

Final Documents

For

Annexation to the
City of Beaverton

WA0905
Ordinances 4339 / 4347
DOR 34-1731-2005
Sec. State: AN-2005-0090

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 3/15/05

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 4/1/05

WA0905

Sent

Received

DOR: 3/15/05 3/31/05

Sec. State: 4/1/05 4/5/05

Assessor: 4/1/05

Elections: 4/1/05

Mapped: Yes

Address Information:



April 5, 2005

Metro
Robert Knight
600 NE Grand
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of April 4, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 4339/4347 (City of Beaverton)	AN 2005-0090
ORD NO 4342 (City of Beaverton)	AN 2005-0091

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad
Official Public Documents

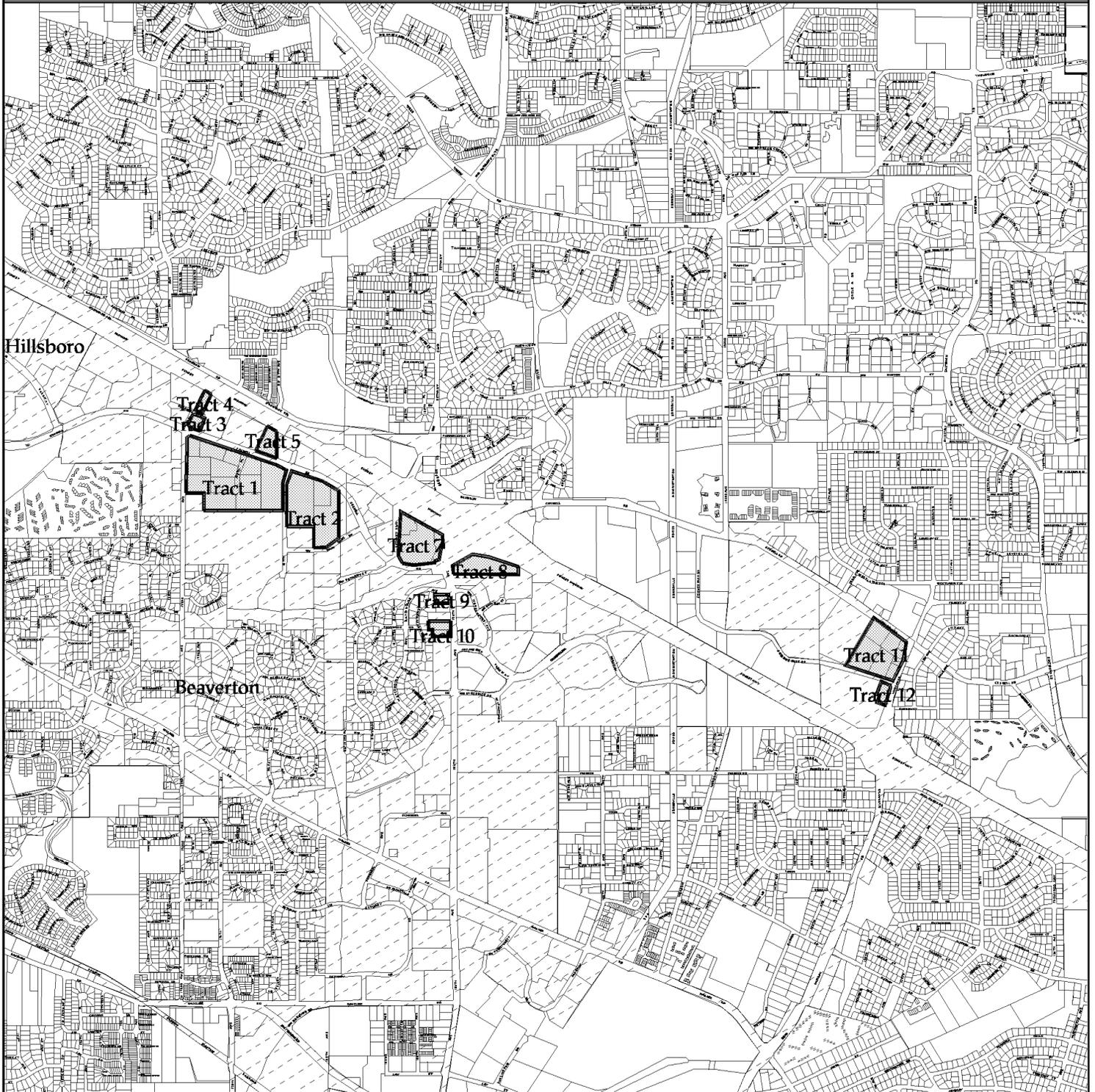
cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

Proposal No. WA0905

1N1W

Annexation to the City of Beaverton

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

County lines

City

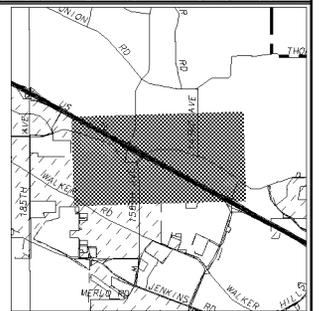
Annexation boundary

Urban Growth Boundary

Proposal No. WA0905
CITY OF BEAVERTON
Figure 1

Scale: 1" = 2000'

0 2000 4000



Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
 PO Box 14380
 Salem, OR 97309-5075
 (503) 945-8297, fax 945-8737

City of Beaverton
 % Sue Ann Koniak
 P.O. Box 4755
 Beaverton, OR 97076

Description and Map Approved
March 30, 2005
As Per ORS 308.225

Description Map received from: METRO
 On: 3/17/2005, 3/30/2005

This is to notify you that your boundary change in Washington County for

ANNEX TO CITY OF BEAVERTON; WITHDRAW FROM SEVERAL DISTRICT WA0905,
 ANX 2004-0017

ORD.#4339/4347

has been: Approved 3/30/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1731-2005

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
 The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

Date: March 29, 2005

Carolyn M. Sunderman
Cartographic Program Specialist
955 Center Street NE
Property Tax Division
Oregon Department of Revenue
Salem, OR 97310

RE: Amended Legal Description and Tax Maps (Ordinances 4339 and 4347, ANX 2004-0017)

Dear Carolyn:

We previously sent you the legal description and marked tax maps for the Sunset Highway/Cornell Road Area Islands Annexation (ANX 2004-0017/DOR 34-P300-2005). The legal and mark tax maps submitted earlier indicated the City of Beaverton was annexing tracts 11 and 12. The annexation did not include these two tracts. The inclusion of these two tracts in the legal description was a staff error. The City Council adopted an emergency Ordinance, on March 28, 2005, which was signed by the Mayor, on March 29, 2005, adopting a corrected legal description that deleted these two tracts. We are hereby submitting the new approved legal. We are not submitting new marked tax maps at this time as you and I discussed last week. The previously submitted tax maps are correct with the exception that you should discard the map that shows tracts 11 and 12.

The legal attached to Ordinance 4347, which was adopted to delete tracts 11 and 12, accidentally include the legal description for Tract 6 from ANX 2004-0016. ANX 2004-0016 is named Elmonica & Merlo Light Rail Stations Areas Island Annexation and identified as DOR 34-1730-2005. ANX 2004-0016 has been approved and will be effective on March 31, 2005. The legal for Tract 6 of ANX 2004-0017 should have read "TRACT 6 DELETED FROM ANNEXATION" as it did in our previous submittal of this annexation. The City of Beaverton City Attorney's Office will not let me replace this clearly accidental insertion of a tract 6 from a previous annexation. Their opinion is that it does not matter because the tract 6 described is property already annexed to the City of Beaverton. If this is not acceptable to the Department of Revenue, the City of Beaverton

will have to take this back to City Council and not have the annexation effective until July 1, 2006 for property tax purposes.

Thank you for your assistance on this matter and I apologize for any inconvenience this has caused.

Sincerely,

A handwritten signature in cursive script that reads "Alan Whitworth". The signature is written in black ink and is positioned above the printed name.

Alan Whitworth
Senior Planner

ORDINANCE NO. 4347

AN ORDINANCE AMENDING ORDINANCE 4339 (ANX 2004-0017) TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION, AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 4339, annexing several parcels in the general vicinity of Sunset Highway and Cornell Road, was duly adopted by the Beaverton City Council and signed by the Mayor on March 1, 2005; and,

WHEREAS, Ordinance 4339 as enacted includes a legal description of properties referred to as Parcels 11 and 12, but the City and Washington County had agreed, prior to enactment of that Ordinance, that those properties not be included in this annexation, and references to those properties in fact had been deleted from notices, maps and other descriptions of the annexed area prior to the Council's enactment, creating a discrepancy between the narrative description and the legal description that must be corrected; and,

WHEREAS, The Oregon Department of Revenue must review and accept an Ordinance proclaiming this annexation and correctly, legally describing the area annexed no later than March 31, 2005 for the annexed property to be placed on the City's tax rolls for Fiscal Year 2006; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Council finds that the public interest requires that Ordinance 4339 should be and hereby is amended to show that the properties described in Exhibit A to this Ordinance, for the reasons stated in the staff report and other materials and findings relied on in Ordinance 4339 (ANX 2004-0017) are annexed to the City of Beaverton, effective upon Council approval and the Mayor's signature.

Section 2. The Council finds that an emergency exists in that the Oregon Department of Revenue must review and accept this Ordinance with correct legal description of the properties proposed for annexation in Ordinance 4339 no later than March 31, 2005 deadline for the annexed area to be included in City's tax rolls for Fiscal Year 2006.

Section 3. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, shall forward a certified copy of this Ordinance to Metro and the Oregon Department of Revenue and mail notice of this decision to those sent notice of Ordinance 4339.

First reading this 28th day of March, 2005.

Passed by the Council this 28th day of March, 2005.

Approved by the Mayor this 29th day of MARCH, 2005.

ATTEST:

Sue Nelson

SUE NELSON, City Recorder

APPROVED:

Rob Drake

ROB DRAKE, Mayor

STATE OF OREGON,
COUNTY OF WASHINGTON, } ss. **CERTIFICATION**
CITY OF BEAVERTON.

I, *Susan A Nelson*, Recorder for
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true copy of an original seen by
me and returned to applicant.

Dated this *30* day of *March*, *2005*

Susan A Nelson
Recorder for City of Beaverton, Oregon

EXHIBIT A
LEGAL DESCRIPTION

(Revised 1/18/05)

ANX2004-0017
Tract 1

That certain parcel of land located in the Northwest $\frac{1}{4}$, Northeast $\frac{1}{4}$, Section 31, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the east right of way line of NW 173rd Avenue, said point being the southwest corner of Lot 13, Quadrant Business Campus, a plat of record; thence north, along the east right of way line of NW 173rd Avenue to the point of intersection with the southerly right of way of NW Cornell Road; thence southeasterly, along the southerly right of way line of NW Cornell Road to the point of intersection with the westerly right of way of NW 167th Avenue; thence southerly, along the westerly right of way of NW 167th Avenue to the southeast corner of lot 13, Quadrant East, a plat of record; thence westerly, to the southwest corner of Lot 4, Quadrant Business Campus; thence north, along the west line of said Lot 4 to the northwest corner of said Lot 4, said point also being the south line of Lot 13, Quadrant Business Campus; thence west, along said south line to the east right of way line of NW 173rd Avenue, said point being the point of beginning.

ANX2004-0017
Tract 2

That certain parcel of land located in the Northeast ¼, Northeast ¼, Section 31, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the east right of way line of NW 167th Avenue, said point also being the northwest corner of Lot 4, Quadrant East, a plat of record; thence running northerly, along the east right of way line of NW 167th Avenue to the point of intersection with the southerly right of way line of NW Cornell Road; thence along the southerly right of way of NW Cornell Road to the point of intersection with the westerly east line of James Scott D.L.C Number 58; thence south, along said D.L.C. line to the point of intersection with the northerly right of way line of NW Twin Oaks Drive; thence westerly, along the northerly right of way line of NW Twin Oaks Drive to the southeast corner of Lot 4, Quadrant East; thence north, along the east line of said Lot 4 to the northeast corner of said lot; thence west, along the north line of said Lot 4 to the east right of way line of NW 167th Avenue and the point of beginning.

ANX2004-0017
Tract 3

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30, Township 1 North, Range 1 West, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Lot 5, Corridor Center, a plat of record.

ANX2004-0017

Tract 4

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Corridor Court, said point being southeasterly, 46.40 feet from the southwest corner of Lot 4, Corridor Center, a plat of record; thence running northeasterly, 307.90 feet to the southeasterly right of way line of US Highway 26 (Sunset Highway); thence along the southerly right of way of US Highway 26 to the northeast corner of said Lot 4; thence southwesterly, along the easterly line of said Lot 4 to the southeast corner of said Lot 4, said point also being the northerly right of way of NW Corridor Court; thence northwesterly, along said northerly right of way to the point of beginning.

ANX2004-0017
Tract 5

That certain parcel of land located in the Southwest ¼, Southeast ¼, Section 30, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Cornell Road, said point being south 23° 53' 30" west, 441.62 feet from the southerly right of way line of US Highway 26 (Sunset Highway), said point also being the westerly southwest corner of that right of way dedication as described in document Number 90-7683 of the Washington County records; thence running north 23° 53' 30" east, 441.62 feet to the southerly right of way line of US Highway 26; thence southeasterly, along the southerly right of way line of US Highway 26, 149.54 feet; thence south, 441.38 feet to the northerly right of way line of NW Cornell Road; thence northwesterly, along said northerly right of way line of NW Cornell Road to the point of beginning.

ANX 2004-0016
Tract 6

That certain parcel of land located in the Northwest ¼, Southeast ¼, Section 6, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point where the southerly right of way line of SW Baseline Road intersects with the northeasterly right of way of the Metro Light Rail right of way; thence running east to the point where said southerly right of way of SW Baseline Road intersects with the westerly right of way of SW 170th Avenue, thence southerly, along said westerly right of way line of SW 170th Avenue to the point of intersection with the northeasterly right of way to the Metro Light Rail right of way line; thence northwesterly, along said Metro Light Rail right of way line to the place of beginning.

ANX2004-0017
Tract 7

That certain parcel of land located in the Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the easterly right of way line of NW Bethany Boulevard and the southerly right of way line of US Highway 26 (Sunset Highway); thence running southeasterly, along said southerly right of way line of US Highway 26, 64.63 feet; thence continuing in a southeasterly direction, 172.16 feet, thence south, $60^{\circ} 04' 34''$ east, 303.88 feet; thence south, $60^{\circ} 04' 34''$ east, 122.64 feet to a point on the southerly right of way line of US Highway 26; thence southerly, 173.10 feet; thence westerly, 28.0 feet; thence southerly, 186.25 feet; thence southwest, 7.55 feet; thence southwest, 48.96 feet; thence southerly, to a point on the south line of that parcel of land dedicated as right of way in document 88-51382; thence westerly, along said south line to the point of intersection with the northerly right of way line of NW Cornell Road; thence westerly, along the northerly right of way of NW Cornell Road, 390.11 feet thence north, $28^{\circ} 34' 28''$ west, 115.97 feet to a point on the westerly right of way line of NW Bethany Boulevard; thence northerly, along said westerly right of way line of NW Bethany Boulevard to the point of beginning.

ANX2004-0017
Tract 8

That certain parcel of land located in the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the southerly right of way line of US Highway 26 (Sunset Highway), said point being northwesterly 99.69 feet and northwesterly 124.25 feet from the southeast corner of Lewis P. Day D.L.C. Number 43; thence running south, $1^{\circ} 22' 14''$ west, 107.26 feet to the south line of the Lewis P. Day D.L.C. 43, thence west, along the south line of said D.L.C. 43 to the west right of way line of NW 158th Avenue; thence north, $5^{\circ} 39' 57''$ west, along the west right of way line of NW 158th Avenue to the point of intersection with the southerly right of way line of NW Cornell Road; thence northeasterly, along the southerly right of way line of NW Cornell Road to the point of intersection with the southerly right of way of US Highway 26; thence easterly, along said southerly right of way of US Highway 26 to the point of beginning.

ANX2004-0017
Tract 9

That certain tract of land located in the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Beginning at the initial point of Waterhouse Number 2, a plat of record; thence south, $88^{\circ} 43' 46''$ east, to the westerly right of way of NW 158th Avenue; thence southerly, along the westerly right of way of NW 158th Avenue, 124.88 feet; thence westerly, 225.15 feet to the east line of Lot 94, Waterhouse Number 2; thence north, $4^{\circ} 42'$ west, along said east line of Lot 94 to the point of beginning.

ANX2004-0017
Tract 10

That certain parcel of land located in the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the southeast corner of Lot 90, Waterhouse Number 2, a plat of record; thence easterly, to the northeast corner of Lot 89 of Waterhouse Number 2; thence south, along the east line of said Lot 89, 75.02 feet, thence south, $88^{\circ} 28' 20''$ east to the west right of way line of NW 158th Avenue; thence northerly, along the west right of way line of NW 158th Avenue to a point which is south, 125 feet from the easterly projection of the south line of Lot 93, Waterhouse Number 2; thence westerly, to the east line of Lot 91, Waterhouse Number 2; thence south, $4^{\circ} 42'$ east, to the place of beginning.

ORDINANCE NO. 4339

AN ORDINANCE ANNEXING SEVERAL PARCELS LOCATED IN THE GENERAL VICINITY OF SUNSET HWY/CORNELL ROAD TO THE CITY OF BEAVERTON: ANNEXATION 2004-0017

- WHEREAS,** This annexation was initiated under authority of ORS 222.750, whereby the City may annex territory that is not within the City but that is surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a stream, with or without the consent of property owners or residents; and
- WHEREAS,** The properties are in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The properties shown on Exhibit A and more particularly described in Exhibit B are hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State, whichever is later.
- Section 2.** The Council accepts the staff report, dated January 21, 2005, attached hereto as Exhibit C, and finds that:
- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City subsequent to this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The properties that lie within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
 - b. The properties that lie within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
 - c. The properties that lie within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
 - d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the properties to be annexed by this Ordinance shall remain within that district; and
 - e. The territory will remain within boundaries of the Tualatin Valley Water District.

- Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.
- Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.
- Section 6.** The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading February 7, 2005
Date

Second Reading and Passed February 28, 2005
Date

ATTEST:


SUE NELSON, City Recorder
3/1/05

Date

APPROVED:


ROB DRAKE, Mayor
3/1/05

Date

STATE OF OREGON,
COUNTY OF WASHINGTON, } ss. **CERTIFICATION**
CITY OF BEAVERTON.

I, Susan A. Nelson, Recorder for
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true copy of an original seen by
me and returned to applicant.

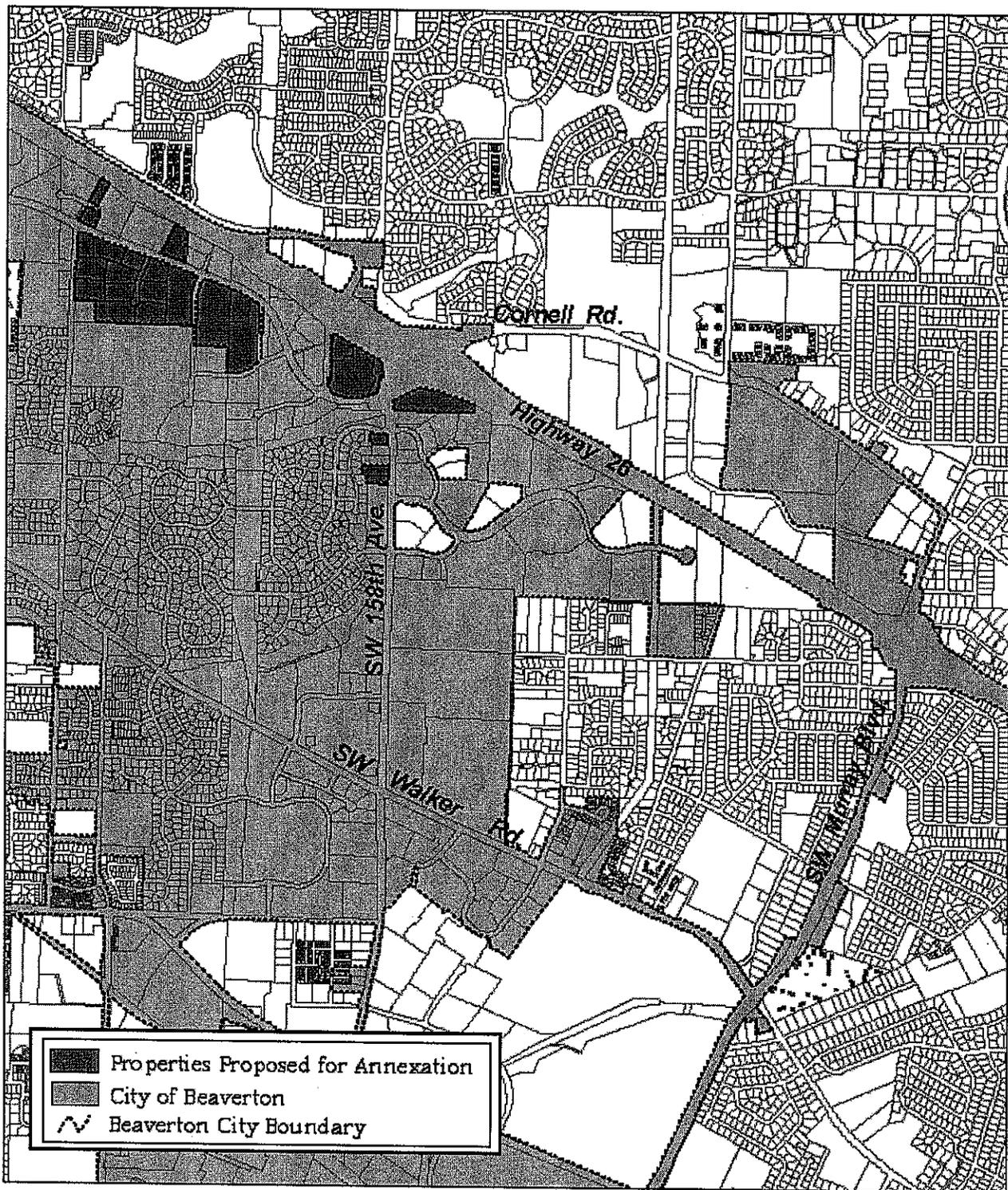
Dated this 29 day of March, 2005
Susan A. Nelson

Recorder for City of Beaverton, Oregon

VICINITY MAP

ORDINANCE NO. 4339

EXHIBIT "A"



	Properties Proposed for Annexation
	City of Beaverton
	Beaverton City Boundary



City of Beaverton

Sunset Hwy / Cornell Rd. Area Island Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/07/04

Map F
Various

N



Application #
ANK2004-0217

ORDINANCE NO. 4339

EXHIBIT B
LEGAL DESCRIPTION

(Revised 1/18/05)

ANX2004-0017
Tract 1

That certain parcel of land located in the Northwest $\frac{1}{4}$, Northeast $\frac{1}{4}$, Section 31, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the east right of way line of NW 173rd Avenue, said point being the southwest corner of Lot 13, Quadrant Business Campus, a plat of record; thence north, along the east right of way line of NW 173rd Avenue to the point of intersection with the southerly right of way of NW Cornell Road; thence southeasterly, along the southerly right of way line of NW Cornell Road to the point of intersection with the westerly right of way of NW 167th Avenue; thence southerly, along the westerly right of way of NW 167th Avenue to the southeast corner of lot 13, Quadrant East, a plat of record; thence westerly, to the southwest corner of Lot 4, Quadrant Business Campus; thence north, along the west line of said Lot 4 to the northwest corner of said Lot 4, said point also being the south line of Lot 13, Quadrant Business Campus; thence west, along said south line to the east right of way line of NW 173rd Avenue, said point being the point of beginning.

ANX2004-0017
Tract 2

That certain parcel of land located in the Northeast $\frac{1}{4}$, Northeast $\frac{1}{4}$, Section 31, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the east right of way line of NW 167th Avenue, said point also being the northwest corner of Lot 4, Quadrant East, a plat of record; thence running northerly, along the east right of way line of NW 167th Avenue to the point of intersection with the southerly right of way line of NW Cornell Road; thence along the southerly right of way of NW Cornell Road to the point of intersection with the westerly east line of James Scott D.L.C Number 58; thence south, along said D.L.C. line to the point of intersection with the northerly right of way line of NW Twin Oaks Drive; thence westerly, along the northerly right of way line of NW Twin Oaks Drive to the southeast corner of Lot 4, Quadrant East; thence north, along the east line of said Lot 4 to the northeast corner of said lot; thence west, along the north line of said Lot 4 to the east right of way line of NW 167th Avenue and the point of beginning.

ANX2004-0017
Tract 3

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30, Township 1 North, Range 1 West, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Lot 5, Corridor Center, a plat of record.

ANX2004-0017
Tract 4

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Corridor Court, said point being southeasterly, 46.40 feet from the southwest corner of Lot 4, Corridor Center, a plat of record; thence running northeasterly, 307.90 feet to the southeasterly right of way line of US Highway 26 (Sunset Highway); thence along the southerly right of way of US Highway 26 to the northeast corner of said Lot 4; thence southwesterly, along the easterly line of said Lot 4 to the southeast corner of said Lot 4, said point also being the northerly right of way of NW Corridor Court; thence northwesterly, along said northerly right of way to the point of beginning.

ANX2004-0017
Tract 5

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Cornell Road, said point being south $23^{\circ} 53' 30''$ west, 441.62 feet from the southerly right of way line of US Highway 26 (Sunset Highway), said point also being the westerly southwest corner of that right of way dedication as described in document Number 90-7683 of the Washington County records; thence running north $23^{\circ} 53' 30''$ east, 441.62 feet to the southerly right of way line of US Highway 26; thence southeasterly, along the southerly right of way line of US Highway 26, 149.54 feet; thence south, 441.38 feet to the northerly right of way line of NW Cornell Road; thence northwesterly, along said northerly right of way line of NW Cornell Road to the point of beginning.

ANX2004-0017
Tract 6

TRACT 6 DELETED FROM ANNEXATION

ANX2004-0017
Tract 7

That certain parcel of land located in the Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the easterly right of way line of NW Bethany Boulevard and the southerly right of way line of US Highway 26 (Sunset Highway); thence running southeasterly, along said southerly right of way line of US Highway 26, 64.63 feet; thence continuing in a southeasterly direction, 172.16 feet, thence south, $60^{\circ} 04' 34''$ east, 303.88 feet; thence south, $60^{\circ} 04' 34''$ east, 122.64 feet to a point on the southerly right of way line of US Highway 26; thence southerly, 173.10 feet; thence westerly, 28.0 feet; thence southerly, 186.25 feet; thence southwesterly, 7.55 feet; thence southwesterly, 48.96 feet; thence southerly, to a point on the south line of that parcel of land dedicated as right of way in document 88-51382; thence westerly, along said south line to the point of intersection with the northerly right of way line of NW Cornell Road; thence westerly, along the northerly right of way of NW Cornell Road, 390.11 feet thence north, $28^{\circ} 34' 28''$ west, 115.97 feet to a point on the westerly right of way line of NW Bethany Boulevard; thence northerly, along said westerly right of way line of NW Bethany Boulevard to the point of beginning.

ANX2004-0017
Tract 8

That certain parcel of land located in the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the southerly right of way line of US Highway 26 (Sunset Highway), said point being northwesterly 99.69 feet and northwesterly 124.25 feet from the southeast corner of Lewis P. Day D.L.C. Number 43; thence running south, $1^{\circ} 22' 14''$ west, 107.26 feet to the south line of the Lewis P. Day D.L.C. 43, thence west, along the south line of said D.L.C. 43 to the west right of way line of NW 158th Avenue; thence north, $5^{\circ} 39' 57''$ west, along the west right of way line of NW 158th Avenue to the point of intersection with the southerly right of way line of NW Cornell Road; thence northeasterly, along the southerly right of way line of NW Cornell Road to the point of intersection with the southerly right of way of US Highway 26; thence easterly, along said southerly right of way of US Highway 26 to the point of beginning.

ANX2004-0017
Tract 9

That certain tract of land located in the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Beginning at the initial point of Waterhouse Number 2, a plat of record; thence south, $88^{\circ} 43' 46''$ east, to the westerly right of way of NW 158th Avenue; thence southerly, along the westerly right of way of NW 158th Avenue, 124.88 feet; thence westerly, 225.15 feet to the east line of Lot 94, Waterhouse Number 2; thence north, $4^{\circ} 42'$ west, along said east line of Lot 94 to the point of beginning.

ANX2004-0017
Tract 10

That certain parcel of land located in the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the southeast corner of Lot 90, Waterhouse Number 2, a plat of record; thence easterly, to the northeast corner of Lot 89 of Waterhouse Number 2; thence south, along the east line of said Lot 89, 75.02 feet, thence south, $88^{\circ} 28' 20''$ east to the west right of way line of NW 158th Avenue; thence northerly, along the west right of way line of NW 158th Avenue to a point which is south, 125 feet from the easterly projection of the south line of Lot 93, Waterhouse Number 2; thence westerly, to the east line of Lot 91, Waterhouse Number 2; thence south, $4^{\circ} 42'$ east, to the place of beginning.

ANX2004-0017
Tract 11

That certain parcel of land located in the Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 33, Township 1 North, Range 1 North, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Science Park Drive, said point being the southwest corner of Lot 7, Sunset Science Park, a plat of record; thence north, $30^{\circ} 53' 34''$ east, along the westerly boundary line of said Lot 7, to the southerly right of way line of NW Cornell Road; thence southeasterly along said southerly right of way line to the point of intersection with the westerly right of way line of NW Murray Boulevard; thence southwesterly, along the westerly right of way of NW Murray Boulevard to the point of intersection with the northerly right of way line of SW Science Park Drive; thence along the northerly right of way of NW Science Park Drive to the point of beginning.

ANX2004-0017
Tract 12

That certain tract of land located in the Northeast ¼, Southwest ¼, Section 33, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point where the southerly right of way line of NW Science Park Drive and the westerly right of way line intersect; thence running northwesterly, along the southerly right of way of NW Science Park Drive; thence continuing northwesterly, along said right of way line 133.89 feet; thence southwesterly, 150.66 feet; thence southeasterly 44.02 feet; thence southwesterly, 106.57 feet; thence southeasterly to the westerly right of way line of NW Murray Boulevard; thence northerly, along the westerly right of way of NW Murray Boulevard to the point of beginning.

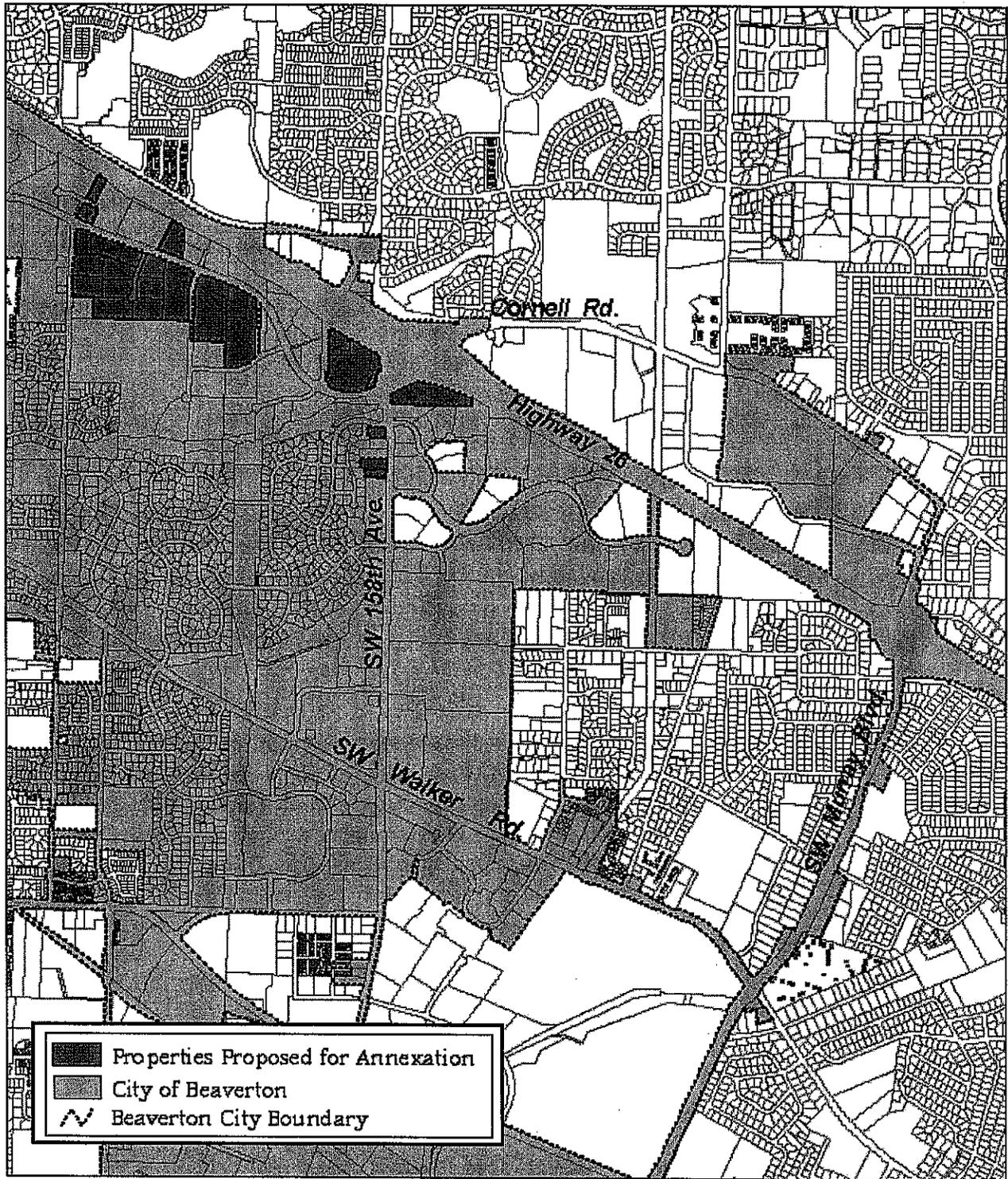
**CITY of BEAVERTON**

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

PETITION AND STAFF REPORT**TO:** City Council **REPORT DATE:** January 21, 2005**HEARING****DATE:** February 7, 2005**FROM:** Community Development Department
Hal Bergsma, Planning Services Manager *HB*
Alan Whitworth, Senior Planner *Alan***SUBJECT:** Sunset Hwy/Cornell Road Area Island Annexation (ANX 2004-0017)**ACTIONS:** Annexation to the City of Beaverton of 25 parcels located in the vicinity of the Sunset Highway and NW Cornell Road. The territory is shown on the attached map and more particularly described by the attached legal description. The annexation of the territory is City initiated and is being processed under ORS 222.750 and Metro Code 3.09.050 as a legislative land use decision.**NAC:** All of these parcels are currently within the Five Oaks Neighborhood Association Committee (NAC) boundaries with one exception. The exception is the parcel east of NW 158th Avenue adjacent to NW Cornell Road. The Neighborhood Office is recommending that this parcel not be added to a NAC at this time.**AREA:** Approximately 56 acres**TAXABLE BM 50 ASSESSED VALUE:** \$ 39,386,010**ASSESSOR'S REAL MARKET BUILDING VALUE:** \$ 36,449,355**ASSESSOR'S REAL MARKET TOTAL VALUE:** \$ 55,406,085**NUMBER OF TAX PARCELS:** 25**RECOMMENDATION**

Staff recommends the City Council adopt an ordinance annexing the referenced territory, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

VICINITY MAP



City of Beaverton

Sunset Hwy / Cornell Rd. Area Island Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/07/04

Map #
Various

N



Application #

ANK2004-0017

BACKGROUND

This is commonly referred to as an Island Annexation that is being processed under Oregon Revised Statutes Section 222.750 and Metro Code Chapter 3.09.

ORS 222.750 Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

The subject properties are within islands defined by the City's corporate limits. Some of the properties that are the subject of this proposed annexation constitute only part of an island. The statutory provision cited above does not require annexation of an entire island. The City has chosen to annex the subject properties and not others based on guidance provided by the City Council provided through their adoption of Resolution No. 3794 (Exhibit A) on December 13, 2004.

ORS 222.120 requires a public hearing to allow the electors of the City to appear and be heard on the question. It requires notice to be published in a newspaper of general circulation for a period of two weeks and notice to be posted in four public places in the city for a similar period.

Metro Code Section 3.09.030 does not require a public hearing but does require waterproof posting of the notice in the general vicinity of the site and publishing notice in a newspaper of general circulation. The required notice to necessary parties and the posting are to be done at least 45 days prior to the date of decision. 3.09.050(b) requires the staff report to be available at least 15 days prior to the date of decision.

The request is to annex 25 tax parcels located general in the area of NW Cornell Road generally between NW 158th Avenue and NW 173rd Avenue. The area proposed for annexation is approximately 56 acres.

Most of these parcels are currently within the Five Oaks Neighborhood Association Committee (NAC) boundaries. There is one parcel that is not currently in a NAC is the area east of NW 158th Avenue adjacent to NW Cornell Road. The Neighborhood Office is recommending that this parcel not be added to a NAC at this time.

MINIMUM REQUIREMENTS FOR PETITIONS

The following is from Metro Code:

3.09.040 Minimum Requirements for Petitions

(a) A petition for a boundary change shall be deemed complete if it includes the following information:

- (1) The jurisdiction of the approving entity to act on the petition;

Finding: As defined by section 3.09.020(c) of the Metro Code, "Approving entity" means the governing body of a city, county, city-county or district authorized to make a decision on a boundary change, or its designee. ORS 222.111(2) states:

"A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed."

The Beaverton City Council directed the initiation of this annexation by its adoption of Resolution No. 3794. This annexation is allowed by ORS 222.750 without the consent of any owner of property within the territory or resident in the territory through ordinance adoption by the Council, subject to referendum.

- (2) A narrative, legal and graphical description of the affected territory in the form prescribed by Metro Chief Operating Officer;

Finding: The Metro Chief Operating Officer has not prescribed a particular form for providing a narrative, legal and graphical description of a territory that would be affected by a proposed annexation. The practice has been to provide such information in a form prescribed by the State Department of Revenue. Consistent with Department of Revenue requirements, a map of the affected territory is included as page two of this petition/report, a narrative legal is attached to this petition/report (Exhibit B), and marked tax maps are in the project file. This complies with the requirements of Metro, the Oregon Department of Revenue, and the Oregon Secretary of State's Office.

- (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected

territory as shown in the records of the tax assessors and county clerk;

Finding: A list of the names and mailing addresses of all persons owning property (Exhibit C) and a list of all electors within the affected territory as shown in the records of the Washington County Assessment and Taxation Department (Exhibit D) are in the file.

- (4) A listing of the present providers of urban services to the affected territory;

Finding: According to Metro Code Section 3.09.020(m), " 'Urban services' means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit." Sanitary sewers lines are presently provided by and maintained by the City of Beaverton and Clean Water Services. Treatment is provided by Clean Water Services. Potable water is presently provided by the Tualatin Valley Water District. Fire protection and emergency medical service is presently provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services are presently provided by Tualatin Hills Park and Recreation District. Public streets and roads are presently maintained by Washington County (funding is provided by the Urban Road Maintenance District) and the City of Beaverton. Street lighting is provided by the Washington County Street Lighting District for those properties that are in the District. Mass transit is presently provided by TRI-MET.

- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;

Finding: Pursuant to a July 1, 2004 intergovernmental agreement between the City of Beaverton and Clean Water Services, as of July 1, 2005 sanitary sewer pipes in the proposed annexation area that are smaller than 24-inches in diameter will be maintained by the City of Beaverton and pipes equal to or greater than 24-inches in diameter will be maintained by Clean Water Services. Clean Water Services will also provide sewage treatment. Potable water will be provided by Tualatin Valley Water District. Fire protection and emergency medical service will be provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services will be provided by Tualatin Hills Park and Recreation District. Baseline Road, Merlo Road, SW 158th Avenue, Jenkins Road, SW 173rd Avenue and SW 170th south of Baseline will continue to be maintained by Washington County for the foreseeable future and maintenance of other Washington County maintained streets will transfer to the City of Beaverton through a

different process. The City of Beaverton will maintain all street lights in the area. Mass transit will continue to be provided by TRI-MET.

(6) The current tax assessed value of the affected territory; and

Findings: The current Ballot Measure 50 assessed value of the affected territory is \$39,386,010. A spreadsheet listing tax lot identification number, approximate acreage, Ballot Measure 50 value, real market building value and total real market value is attached as Exhibit E. This information is based on information from the Washington County Assessment and Taxation Department.

(7) Any other information required by state or local law.

Findings: No other information is required by state or local law.

(b) A City or county may charge a fee to recover its reasonable costs to carry out its duties and responsibility under this chapter.

Findings: The City of Beaverton has chosen not to charge a fee for annexations.

EXISTING CONDITIONS

SERVICE PROVISION:

The following analysis details the various services available to the properties to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject properties are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Park and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington

County, Oregon”, the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The properties proposed for annexation by this application are within those areas.

This action is consistent with those agreements.

POLICE: The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.

FIRE: Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to this area. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

SEWER: The area is adequately served by sanitary sewer at this time. As the area redevelops at higher density the issue of sanitary sewer will be dealt with through the development review process. If the area is annexed the City of Beaverton will take over maintenance of sanitary sewer pipes smaller than 24-inches in diameter and Clean Water Services will continue to maintain the larger pipes and provide sewage treatment. Upon annexation the City will be responsible for billing.

WATER: Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with TVWD in 2002 that the City would not withdraw property from the District upon annexation. TVWD will continue to provide service, maintenance and perform billing.

STORM WATER DRAINAGE: The area is adequately served by storm sewers and drainage at this time. As the area redevelops at higher density the issue of storm drainage will be dealt with through the development review process. After annexation maintenance and billing

responsibility will transfer to the City.

**STREETS and
ROADS:**

NW Cornell Road, NW 158th Avenue, NW Bethany Blvd. and NW 173rd Avenue are County maintained Arterials and will remain County maintained for the foreseeable future. All other roads are City maintained local roads with the exception of NW 169th Place, NW 173rd Place and NW Corridor Court that are County maintained but will become City maintained in the future through a different process.

**PARKS and
SCHOOLS:**

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Park and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING,
ZONING and
BUILDING:**

Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.030, the City sent notice of the proposed annexation on December 22, 2004 (more than 45 days prior to the hearing date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, eleven weatherproof signs with the notice mailed to the necessary parties attached were posted in the general vicinity of the affected territory. Affidavits of mailing and posting, including information on the locations where the weatherproof signs were posted, are in the case file for this proposed application.

In compliance with ORS 222.120, notice of the hearing will be published once each week for two successive weeks prior to the day of the hearing in the Beaverton Valley Times newspaper; and notices of the proposed annexation will be posted in four public places in the city (at the Beaverton Post Office, the Beaverton City Library, the Beaverton City Hall, and in the lobby of the administrative offices of the Tualatin Hills Park and Recreation District) for a like period. Evidence that this notification was provided will be available at the public hearing.

Although not required by Metro Code or State statute, the City also sent the notice

mailed to the necessary parties to the following parties at least 45 days in advance of the February 14, 2005 anticipated date of decision:

- the property owners of record in the subject area as shown on the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
- The Five Oaks and Triple Creek Neighborhood Association Committees and the Sunset West/Rock Creek/Bethany Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The mailed notice and a copy of this petition/staff report will be posted on the City's web page.

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

In December 1998 the Metro Council adopted Metro Code Section 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions of this type:

3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions

(a) The following minimum requirements for hearings on decisions operate in addition to all procedural requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an approving entity to dispense with a public hearing on a proposed boundary change when the public hearing is required by applicable state statutes or is required by the approving entity's charter, ordinances or resolutions.

Findings: A public hearing has been scheduled and noticed for February 7, 2005.

3.09.050 (b) Not later than 15 days prior to the date set for a decision, the approving entity addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

- (1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

Findings: Urban Services are defined by Metro Code Section 3.09.020(m) as "...sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit." The area is currently served by sanitary sewers. As of July 1, 2005, the City of Beaverton will take over maintenance

of all pipes less than 24-inches in diameter pursuant to an "Intergovernmental Agreement between the City of Beaverton and Clean Water Services" entered into as of July 1, 2004. The area is served by Tualatin Valley Water and they have the capacity to continue serving the area. Fire protection is provided by Tualatin Valley Fire and Rescue which is the provider for the entire City of Beaverton and they have the capacity to serve the area. Parks, open space and recreation are provided by the Tualatin Hills Park and Recreation District which will continue to provide those services. This area is served by NW Cornell Road a County maintained east/west arterial. This area is also served by north/south arterials NW 158th Avenue, NW Bethany Blvd. and NW 173rd Avenue (south of Cornell Road), which are maintained by Washington County. These roads will remain County maintained for the foreseeable future. All other roads are City maintained local roads with the exception of NW 169th Place, NW 173rd Place and NW Corridor Court that are County maintained but will become City maintained in the future through a different process. TRI-MET provides bus service to the area.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

Findings: The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services. These agreements follow a standard format, and prescribe coordination of the planning and development activities of the parties through notification to provide each with the opportunity to participate, review and comment on proposed comprehensive plan and land use regulation amendments and development actions requiring individual notice to property owners, as well as other specified activities. Annexations are not listed as actions that require notification of the other parties to the cooperative agreements. In fact, annexations are defined as not being development actions or land use regulation amendments. Therefore, the ORS Chapter 195 cooperative agreements listed above do not appear to be relevant to this proposed annexation.

The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. The agreement defines long-term service areas for each party, independent of whether the area is in or outside the City. The subject area is defined as being within TVWD's long-term service area, and the proposed annexation would not change that. As previously noted, On December 22,

2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The properties proposed for annexation by this application are within those areas. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines subject areas as being within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. A letter from Gary Brentano, Director of the Beaverton Operations Department, to Robert Cruz, Deputy General Manager of Clean Water Services dated December 21, 2004 notes that the City is engaged in efforts to annex a number of islands within City boundaries that are expected to continue into 2005, and that the City wishes to provide service to all areas annexed by the City by July 1, 2005. According to Mr. Brentano, subsequent discussions with Clean Water Services staff members confirm that sanitary sewers less than 24" in diameter and the storm drainage system in the areas proposed for annexation by this application will become the City's maintenance responsibility as of July 1 of 2005 if the proposed annexation is approved.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Findings:

Comprehensive Plans: *The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.*

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if it appears at the scheduled February 7, 2005 hearing on the proposal and states reasons why they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

- *Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:*

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

3. Service district or city annexation

g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Sunset West Community Plan that includes the subject area, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. The only relevant urban services defined by Metro Code Section 3.09.020(m) that will change subsequent to annexation are the maintenance of sanitary sewer lines under 24" in diameter and the maintenance of local and collector roads.

The change in sanitary sewer line maintenance is consistent with the aforementioned IGA between the City and Clean Water Services, which in turn is consistent with facilities master plans of both agencies.

The change in local and collector road maintenance is not specifically prescribed by any element of the Beaverton Comprehensive Plan or the Washington County Comprehensive Plan, but an understanding in 2002 between the Manager of the Washington County Operations Division, which currently maintains local and collector roads through the County's Urban Road Maintenance District, and the Director of the City's Operations

Department, generally defines the conditions under which the City would assume maintenance responsibility subsequent to annexation. The proposed annexation should not adversely affect the Urban Road Maintenance District. Although revenues received by the District may be reduced slightly as a result of the annexation, the District's maintenance costs will also be reduced by the City assuming local and collector road maintenance in the area. Policy 6.2.7(g) of the City's Comprehensive Plan is to "Provide adequate funding for maintenance of the capital investment in transportation facilities." According to the Transportation Element of the Comprehensive Plan (page VI-62), the majority of the City's gas tax revenues are used for maintenance. "The City's pavement management program tracks pavement condition so that repairs can be made at an optimum time in pavement life. Pavement management projects are scheduled and funded through the City's capital improvement plan."

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

The regional framework plan, functional plan, and regional urban growth goals and objectives: These Metro documents do not specifically address minor boundary changes of this type.

The Washington County - Beaverton Urban Planning Area Agreement: Adopted in 1989, this agreement does not contain provisions relating to annexations, other than (1) calling for execution of a memorandum of understanding outlining the methodology for transferring County records regarding land use activities to the City after annexation; (2) calling for execution of a memorandum of understanding outlining responsibilities for collection of fees, inspections and drainage districts on platted subdivisions annexed to the City; and (3) prescribing that when the City applies plan and zoning designations subsequent to annexation that a table in the agreement be followed in determining which to apply based on existing County designations, or that the most similar designation be applied. The City is presently drafting a memorandum of understanding on records transfer for County consideration, and the City will also enter into a memorandum of understanding regarding fees collection and inspections if necessary (drainage maintenance districts are no longer used by Washington County). It has been the City's practice in the past to comply with the provision relating to the application of City plan and zone designations, through a subsequent process that will be done in this case if the area is annexed.

As discussed previously in this report, this annexation is consistent with all other agreements that the City is party to relating to annexations.

- (4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Findings: The affected territory will be withdrawn from the Enhanced Sheriff's Patrol District (ESPD), the Urban Road Maintenance District (URMD), and those properties that are in the Street Lighting District will be withdrawn from the District. The subject territory will not be withdrawn from the legal boundary of any other necessary party by this action.

- (5) The proposed effective date of the decision.

Findings: The effective date for this annexation is thirty (30) days after the Mayor's signature on the ordinance or the date the records of the annexation are filed with the Secretary of State (ORS 222.180), which ever is later.

3.09.050 (c) In order to have standing to appeal a boundary change to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with the approval criteria. A necessary party may not contest a boundary change where the boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065. At any public hearing, the persons or entities proposing the boundary change shall have the burden to prove that the petition meets the criteria for a boundary change.

Findings: This section of Metro Code is included in this report for information only. It is not a criterion for decision. The City of Beaverton is the entity proposing this boundary change, and acknowledges that it has the burden to prove that the petition meets relevant criteria. The purpose of this petition/staff report is to prove that the relevant criteria for a boundary change under Metro Code have been met.

3.09.050 (d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

Findings: Existing agreements relevant to this annexation are discussed in findings above addressing Section 3.09.050(b)(2) of the Metro Code. The

City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussions with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into two agreements that reference ORS 195.065 with Tualatin Valley Water District and Washington County and this proposed action is consistent with those agreements, as explained in the findings above addressing Metro Code Section 3.09.050(b)(2).

- (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

Findings: The acknowledged Washington County – Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. As explained previously in this report, in findings addressing Metro Code Section 3.09.050(b)(3), the UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process. Findings discussing other relevant agreements, and demonstrating that the proposed annexation is consistent with those agreements, are located in the findings of this report addressing Metro Code Section 3.09.050(b)(2).

- (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

Findings: The City of Beaverton Comprehensive Plan Policy 5.3.1.d states: "The City shall seek to eventually incorporate its entire Urban Services Area." The subject property is within Beaverton's Assumed Urban Services Area and annexing it furthers this policy. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan, Washington County's Comprehensive Plan, or the Public Facilities Plans of either jurisdiction and, therefore, this criterion is met.

- (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Findings: *The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.*

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

Findings: *The Existing Conditions section of this petition/staff report contains information addressing how the provision of public facilities and services to the subject area would be affected by this annexation. As noted previously in this report, only two legally relevant urban services would change as a result of the proposed annexation, the maintenance of sanitary sewer pipes under 24" in diameter, and the maintenance of local and collector roads in the area. The City would also assume primary responsibility for police protection, maintenance of storm drainage facilities, maintenance of street lights, and planning, development review and building permit issuance. The provision of public facilities to the area will not change.*

The City has sufficient staff and budgetary resources to accommodate the provision of the public facilities and services, for which it would be responsible, to the subject area. The City's 2004-2005 Fiscal Year (FY) tax rate is approximately \$4.10 per thousand dollars of assessed property value, including the tax rate for bonded debt. The FY 2004-2005 tax rate, excluding bonded debt, is \$3.68 which is less than the City's authorized tax rate of \$4.62 authorized under State Ballot Measure 50 in 1997. This allows the City to generate more property tax revenues if needed to provide public facilities and services in a timely and orderly manner. The Beaverton City Council, however, is careful to balance the need to provide city facilities and services at an adequate level with the need to be good stewards of the taxpayers' money. The City Council has set eight goals for the City. Three of those goals that are relevant to this discussion are:

- *Use City resources efficiently to ensure long-term financial stability;*
- *Continue to plan for, improve and maintain the City's infrastructure; and*
- *Provide responsive, cost effective service to the community.*

One service that the City is especially concerned about providing at a high level is police protection. As a result of the passage of City Ballot Measure 34-52 in 1996, the City has maintained a ratio of approximately 1.5 police officers per thousand population. This contrasts with a ratio of approximately 1.0 officers per thousand population in the County's

Enhanced Sheriff's Patrol District (ESPD), which presently encompasses the subject area. Partly because of this higher number of police officers per thousand population, in addition to other factors such as the present location of several high value industrial and commercial properties just outside the city but in the ESPD and the Urban Road Maintenance District (URMD), the City's tax rate is higher than the rate presently paid to those special districts. After annexation, area property owners would pay approximately \$2.72 more per thousand dollars in assessed valuation than they presently do, based on FY 2004-2005 tax rates. A decrease in the differential is possible in future years if higher value properties are annexed to the City and removed from the ESPD and URMD.

Based on the above information, staff concludes that the proposed annexation will not interfere with the timely, orderly and economic provision of public facilities and services, and that the City is financially able to provide the urban services that it will take over from CWS and the County. Staff is not aware of any evidence that such a takeover will interfere with County's ability to continue to provide those services to areas remaining within the jurisdiction of the County's Urban Road Maintenance District or Enhanced Sheriff's Patrol District.

- (6) The territory lies within the Urban Growth Boundary; and

Findings: The property lies within the Urban Growth Boundary.

- (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals..." Compliance with the Comprehensive Plan was addressed under criterion number (3) above. The applicable Comprehensive Plan policy cited under criterion number (3) above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (Exhibit F to this Petition/Staff Report) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

3.09.050 (e) When there is no urban service agreement adopted pursuant 195.065 that is applicable, and a boundary change decision is contested by a necessary party, the approving entity shall also address and consider, information on the following factors in determining whether the proposed boundary change meets the criteria of Sections 3.09.050(d) and (g). The findings and conclusions adopted by the approving entity shall explain how these factors have been considered.

Findings: There is no permanent comprehensive urban service agreement adopted pursuant to ORS 195.065 that is applicable to this area. At the time this staff report was completed, however, no necessary party had contested the proposed annexation. Nevertheless, staff has chosen to briefly address each of the applicable factors below, reserving the right to supplement the findings for each factor if the boundary change decision is contested by a necessary party.

- (1) The relative financial, operational and managerial capacities of alternative providers of the disputed urban services to the affected area;

Findings: Metro Code [3.09.020(m)] and Oregon Revised Statutes 195.065(4) defines "Urban Services" as meaning sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. The providers of these urban services are not in dispute for the area proposed for annexation if the annexation is approved, and there is no evidence that their financial, operational and managerial capacities to serve the area are inadequate.

- (2) The quality and quantity of the urban services at issue with alternative providers of the urban services, including differences in cost and allocations of costs of the services and accountability of the alternative providers;

Findings: The only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers and local roads. Sanitary sewer maintenance responsibility for pipes smaller than 24 inches in diameter will shift from Clean Water Services to the City's Operations Department. Maintenance of local roads in the area will be transferred, by separate action, from the Washington County Department of Land Use and Transportation to the City's Operations Department. There is no evidence that the quality or quantity of either of these services will be reduced as a result of the proposed annexation, or that there will be significant differences in their cost, allocation of costs or the accountability of the alternative providers.

- (3) Physical factors related to the provision of urban services by alternative providers;

Findings: *As noted above, the only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers and local roads. There is no evidence of physical factors that would adversely affect the City's ability to provide these services as compared to the present providers.*

- (4) For proposals to create a new entity the feasibility of creating the new entity.

Findings: *No new entity is proposed and this criterion is not applicable.*

- (5) The elimination or avoidance of unnecessary duplication of facilities;

Findings: *The City of Beaverton has previously taken action to eliminate and avoid the unnecessary duplication of facilities. Beaverton has annexed itself to the Tualatin Valley Fire and Rescue District because it was determined that the District could provide services and operate its facilities at a higher economy of scale. For the same reason, virtually all of Beaverton is in the Tualatin Hills Park and Recreation District. Beaverton is part of Washington County Cooperative Library System, allowing use of the City's highly rated library by all county residents, and use of other library facilities in the county by City residents. As previously discussed, pursuant to an intergovernmental agreement the City works cooperatively with Clean Water Services to maintain sanitary sewer pipes less than 24" in diameter within the City limits as well as to maintain certain storm water management facilities. The City of Beaverton is a member of the Joint Water Commission (JWC), an intergovernmental group whose members also include Hillsboro, Forest Grove, and the Tualatin Valley Water District, which has jointly developed and operates water reservoirs and transmission lines. This proposed annexation will not create any duplication of facilities.*

- (6) Economic, demographic and sociological trends and projections relevant to the provision of the urban services;

Findings: *Washington County has designated these properties primarily for office commercial, with some general commercial and medium density residential for the parcels on 158th Avenue. These designation were determined after studying the economic, demographic and sociological trends and the infrastructure capacity. The City has previously cooperated with the County and other affected local governments in planning for this*

area's projected growth and development. There is no evidence that the City of Beaverton will be unable to provide the urban services as already planned for by the City and County. Washington County's designations will remain on these parcels until the City converts them to the City of Beaverton's most similar designations as set forth in the Urban Planning Agreement.

(7) Matching the recipients of tax supported urban services with the payers of the tax;

Findings: The Beaverton Police Department responds to emergency calls outside of the City limits. Beaverton provides approximately 1.5 police officers per 1,000 population compared to Washington County's Enhanced Sheriff Patrol District which provides approximately 1.0 deputies per 1,000 population. The City is providing police protection to this unincorporated island and receiving no revenues in return. This annexation will provide tax revenues to support this service.

(8) The equitable allocation of costs to alternative urban service providers between new development and prior development; and

Findings: As explained above, as a result of the proposed annexation the City will take over maintenance of local and collector roads, and sanitary sewer pipes under 24-inches in diameter. No other relevant urban service providers will change. Washington County will have to bring County maintained local and collector roads up to an agreed to standard, if they are not currently, before the City will accept maintenance responsibility. There is no evidence that the changes in service provision that would result from the proposed annexation will result in an inequitable allocation of costs to the previous service providers of the specified services and the City between new development and prior development.

(9) Economies of scale.

Findings: The City of Beaverton's current boundaries create an inefficient situation for provision of urban services. The City of Beaverton believes it is the logical provider of services for its assumed urban service area, including the area that is the subject of this proposed annexation. There is no evidence that the City cannot offer the services for which it will be responsible in the area after annexation at an economy of scale that meets or exceeds that which is available to present service providers.

(10) Where a proposed decision is inconsistent with an adopted intergovernmental agreement, that the decision better fulfills the criteria of Section 3.09.050(d) considering Factors (1) through (9) above.

Findings: There is no evidence that the proposed annexation of the subject territory is inconsistent with the various intergovernmental agreements relating to annexation that the City of Beaverton is party to.

3.09.050 (f) A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than 10 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

Findings: The effective date for this annexation is recommended to be 30 days after the mayor signs an ordinance adopted by the City Council approving the annexation or the date the ordinance is submitted to the Secretary of State, by Metro, as provided in ORS 222.180 and Metro Code 3.09.030(e), which ever is later.

3.09.050 (g) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

Findings: This criterion is not applicable to this proposed annexation because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.

CONCLUSION

Based on the information and findings in this petition and staff report, staff concludes that the proposed annexation should be approved by the Council through adoption of a City ordinance.

Exhibits:

- A. Resolution No. 3794
- B. Legal Description
- C. List of Property Owners
- D. List of Electors
- E. A spreadsheet listing tax lot identification numbers, approximate acreage, Ballot Measure 50 value, real market building value and total real market value
- F. Resolution No. 3785

EXHIBIT A

RESOLUTION NO. 3794

**A RESOLUTION DIRECTING CITY INITIATION OF
ANNEXATION OF TERRITORY**

WHEREAS, the City of Beaverton has adopted Urban Service Area and Corporate Limits Annexation Policies; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; and

WHEREAS, the City now needs to identify particular areas to begin implementing the adopted Annexation Policies; therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERTON, OREGON**

Council directs the Mayor to pursue the annexation of territory identified on the maps attached hereto as Exhibits A, B, C and D to this resolution.

Adopted by the Council this 13th day of December, 2004.

Approved by the Mayor this 14th day of DECEMBER, 2004.

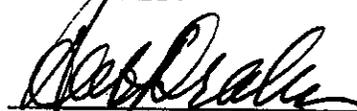
Ayes: 5

Nays: 0

ATTEST:


SUE NELSON, City Recorder

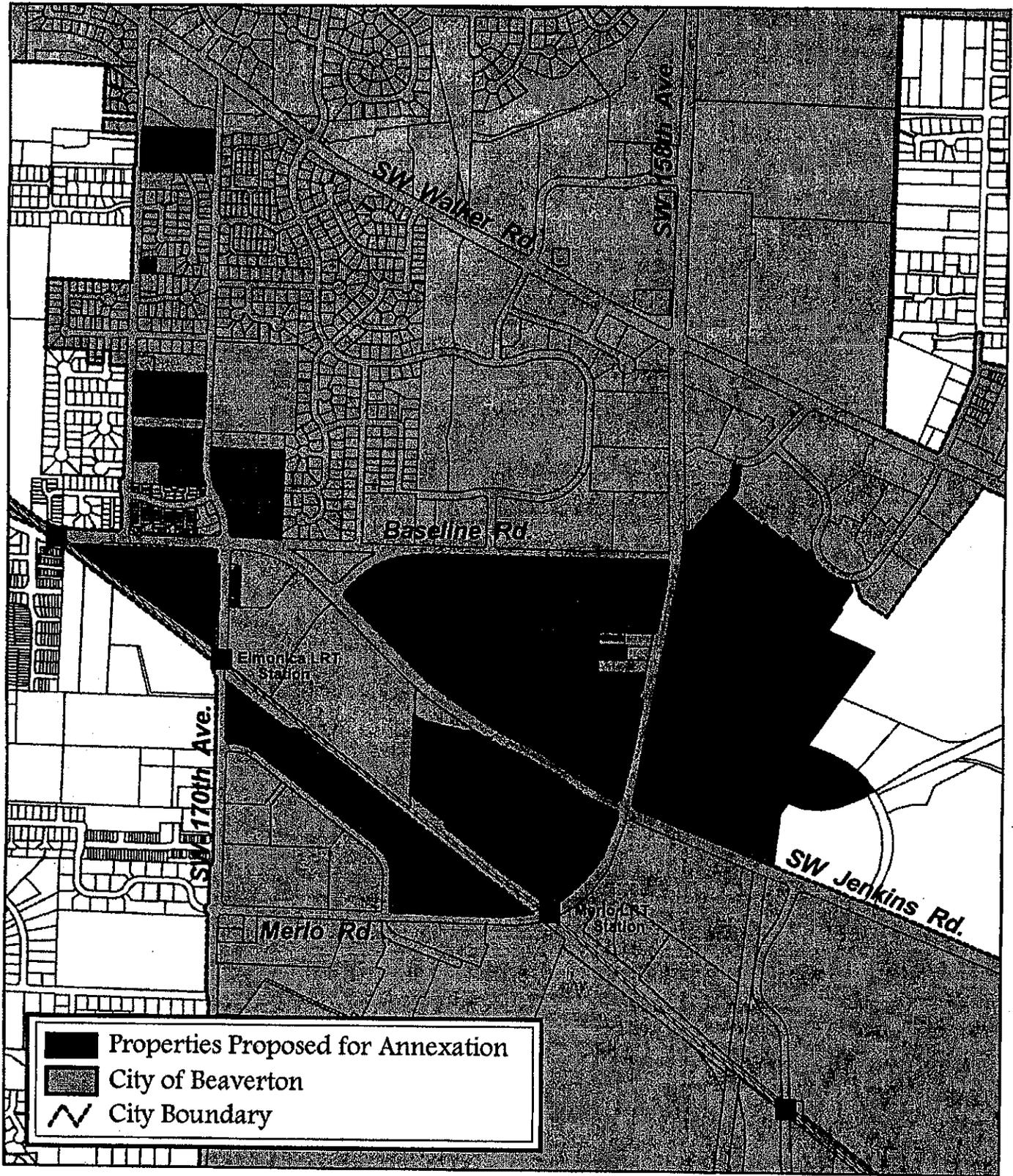
APPROVED:


ROB DRAKE, Mayor

VICINITY MAP

Resolution No. 3794

EXHIBIT "A"



City of Beaverton

Elmonica and Merlo Light Rail Station Areas Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

11/0029/04

Map #
Various

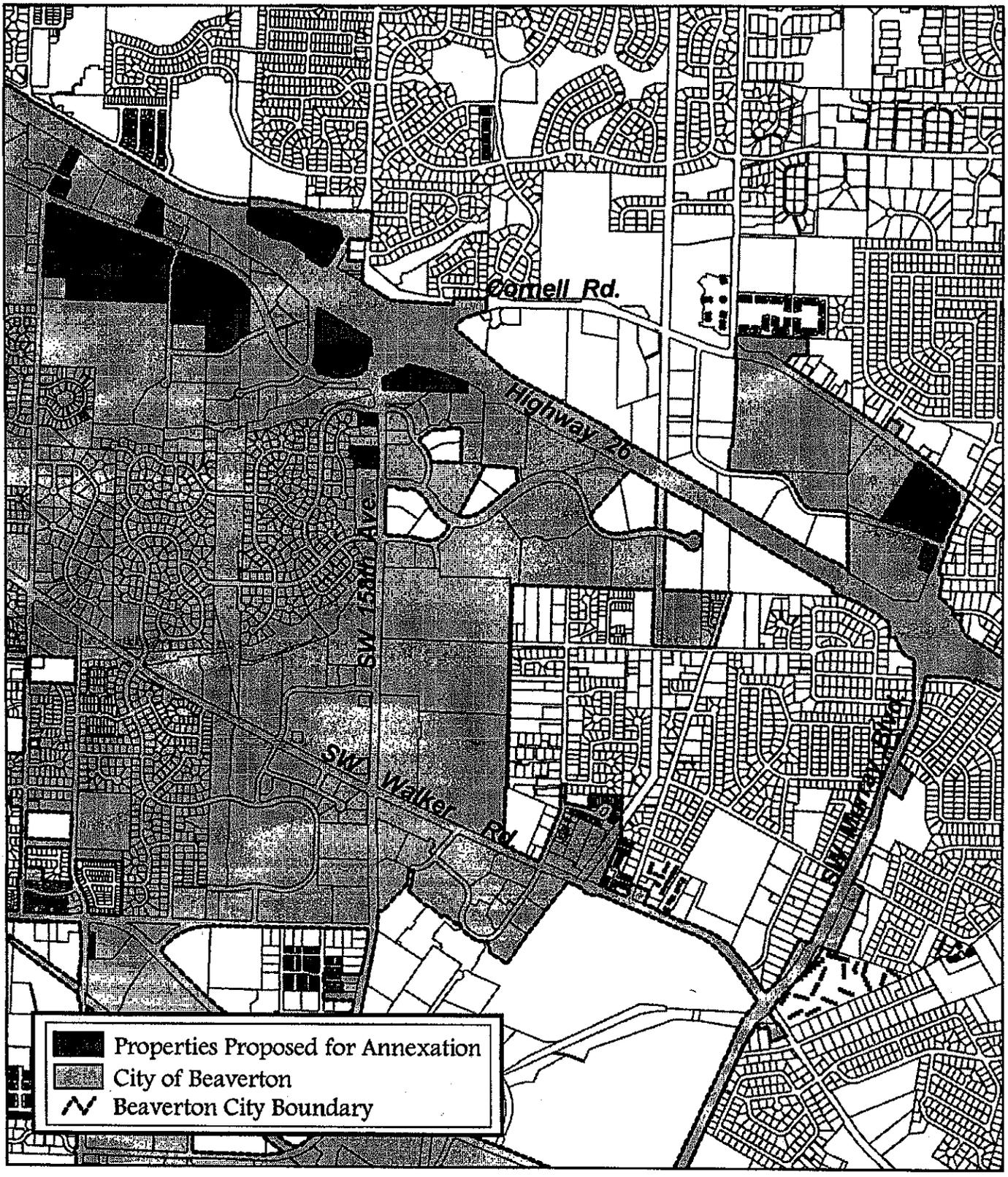
N



Application #
To be determined

VICINITY MAP

Resolution No. 3794
EXHIBIT "B"



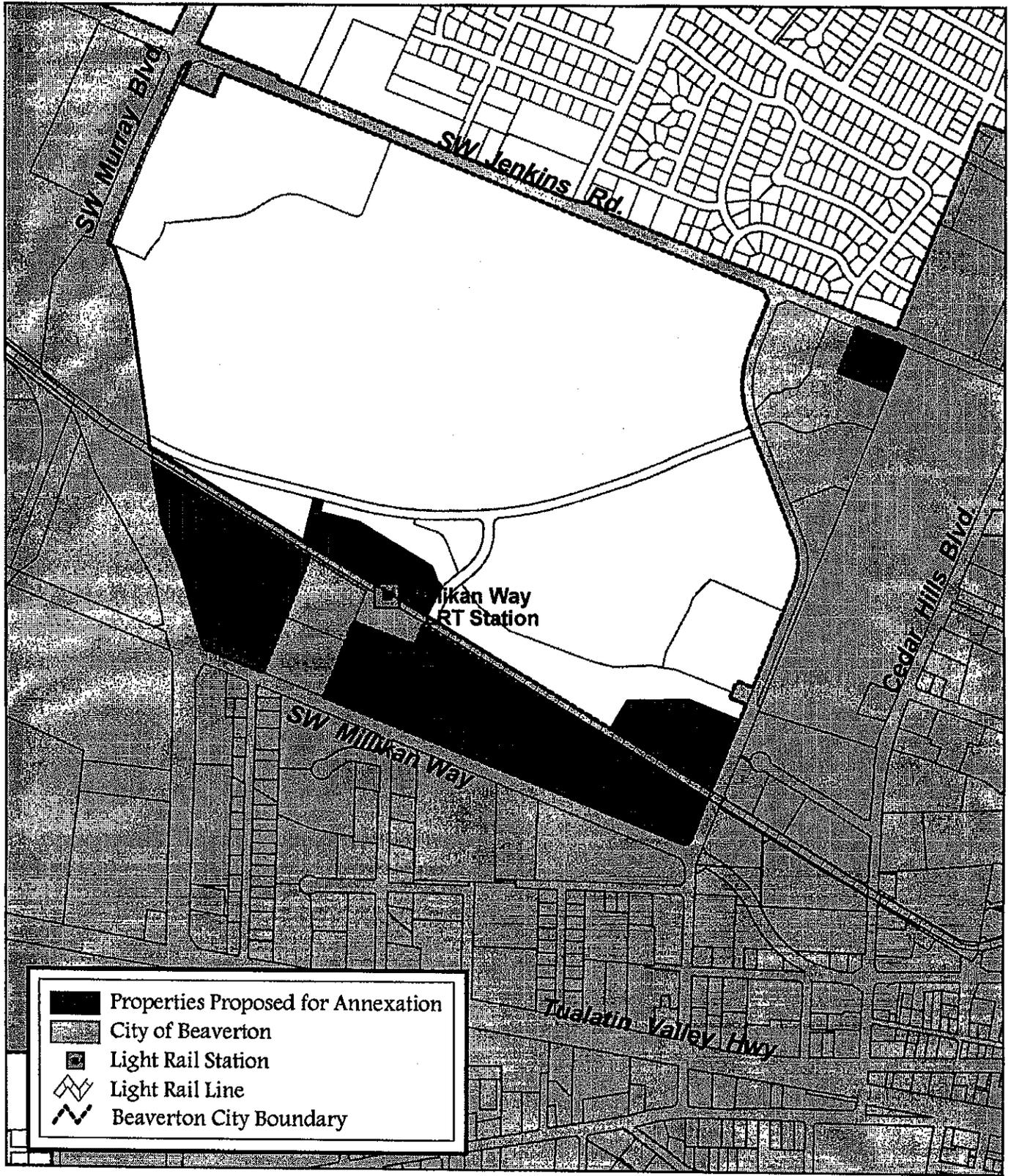
Sunset Hwy / Cornell Rd. Area Island Annexation
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

12/07/04	N ↑
Map # Various	
Application # To be determined	

42

VICINITY MAP

Resolution No. 3794
EXHIBIT "C"

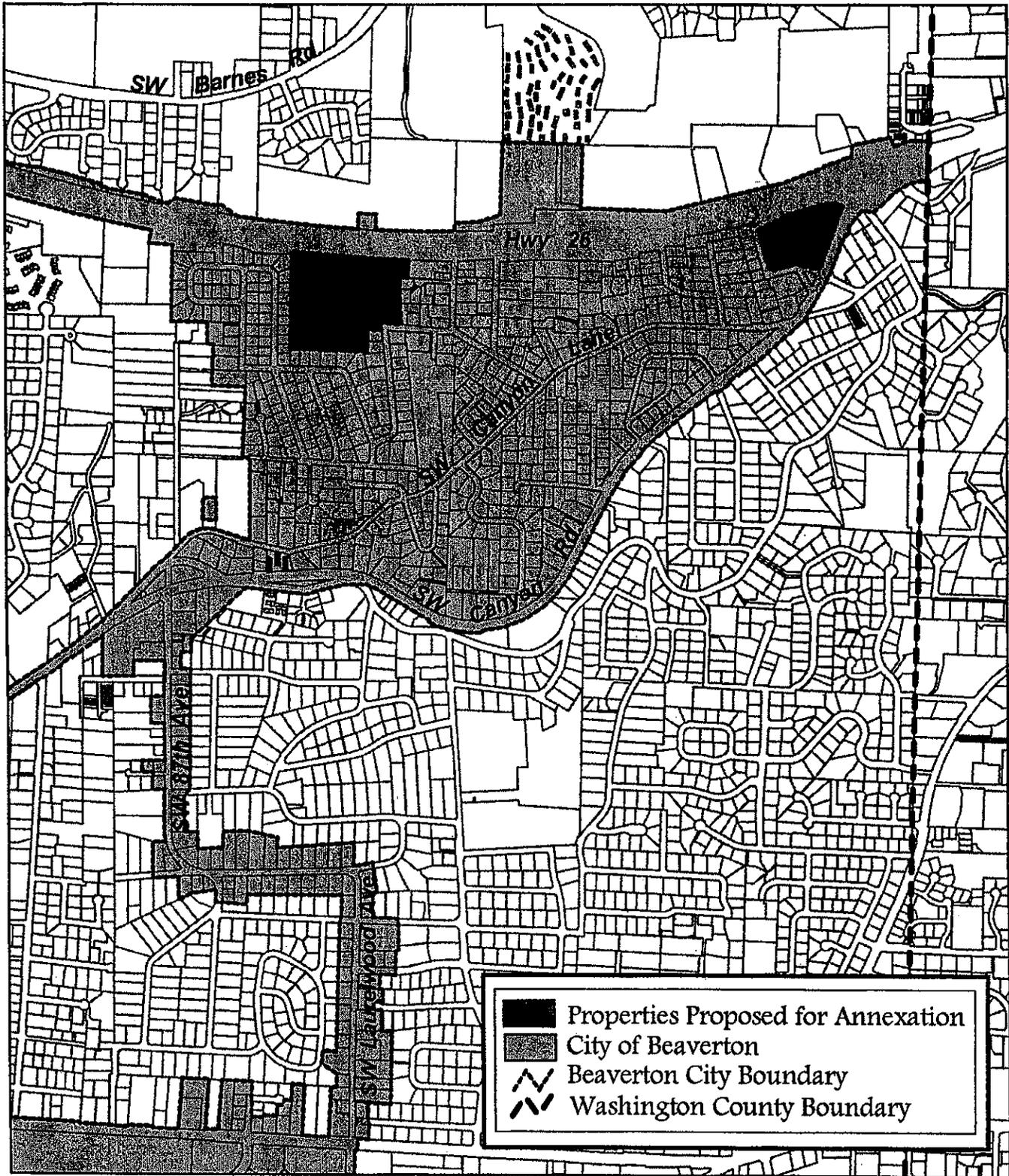


Millikan Way Station Area Island Annexation
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

12/07/04	N ▲
Map # Various	
Application # To be determined	

VICINITY MAP

EXHIBIT "D"



City of Beaverton

West Slope Area Island Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/07/04

Map #
Various



Application #
ANX2004-0019

EXHIBIT B
LEGAL DESCRIPTION

(Revised 1/18/05)

ANX2004-0017
Tract 1

That certain parcel of land located in the Northwest $\frac{1}{4}$, Northeast $\frac{1}{4}$, Section 31, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the east right of way line of NW 173rd Avenue, said point being the southwest corner of Lot 13, Quadrant Business Campus, a plat of record; thence north, along the east right of way line of NW 173rd Avenue to the point of intersection with the southerly right of way of NW Cornell Road; thence southeasterly, along the southerly right of way line of NW Cornell Road to the point of intersection with the westerly right of way of NW 167th Avenue; thence southerly, along the westerly right of way of NW 167th Avenue to the southeast corner of lot 13, Quadrant East, a plat of record; thence westerly, to the southwest corner of Lot 4, Quadrant Business Campus; thence north, along the west line of said Lot 4 to the northwest corner of said Lot 4, said point also being the south line of Lot 13, Quadrant Business Campus; thence west, along said south line to the east right of way line of NW 173rd Avenue, said point being the point of beginning.

ANX2004-0017
Tract 2

That certain parcel of land located in the Northeast ¼, Northeast ¼, Section 31, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the east right of way line of NW 167th Avenue, said point also being the northwest corner of Lot 4, Quadrant East, a plat of record; thence running northerly, along the east right of way line of NW 167th Avenue to the point of intersection with the southerly right of way line of NW Cornell Road; thence along the southerly right of way of NW Cornell Road to the point of intersection with the westerly east line of James Scott D.L.C Number 58; thence south, along said D.L.C. line to the point of intersection with the northerly right of way line of NW Twin Oaks Drive; thence westerly, along the northerly right of way line of NW Twin Oaks Drive to the southeast corner of Lot 4, Quadrant East; thence north, along the east line of said Lot 4 to the northeast corner of said lot; thence west, along the north line of said Lot 4 to the east right of way line of NW 167th Avenue and the point of beginning.

ANX2004-0017
Tract 3

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30,
Township 1 North, Range 1 West, Willamette Meridian; Washington County, Oregon,
more particularly described as follows:

Lot 5, Corridor Center, a plat of record.

ANX2004-0017
Tract 4

That certain parcel of land located in the Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Section 30, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Corridor Court, said point being southeasterly, 46.40 feet from the southwest corner of Lot 4, Corridor Center, a plat of record; thence running northeasterly, 307.90 feet to the southeasterly right of way line of US Highway 26 (Sunset Highway); thence along the southerly right of way of US Highway 26 to the northeast corner of said Lot 4; thence southwesterly, along the easterly line of said Lot 4 to the southeast corner of said Lot 4, said point also being the northerly right of way of NW Corridor Court; thence northwesterly, along said northerly right of way to the point of beginning.

ANX2004-0017
Tract 5

That certain parcel of land located in the Southwest ¼, Southeast ¼, Section 30, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Cornell Road, said point being south 23° 53' 30" west, 441.62 feet from the southerly right of way line of US Highway 26 (Sunset Highway), said point also being the westerly southwest corner of that right of way dedication as described in document Number 90-7683 of the Washington County records; thence running north 23° 53' 30" east, 441.62 feet to the southerly right of way line of US Highway 26; thence southeasterly, along the southerly right of way line of US Highway 26, 149.54 feet; thence south, 441.38 feet to the northerly right of way line of NW Cornell Road; thence northwesterly, along said northerly right of way line of NW Cornell Road to the point of beginning.

ANX2004-0017
Tract 6

TRACT 6 DELETED FROM ANNEXATION

ANX2004-0017
Tract 7

That certain parcel of land located in the Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the easterly right of way line of NW Bethany Boulevard and the southerly right of way line of US Highway 26 (Sunset Highway); thence running southeasterly, along said southerly right of way line of US Highway 26, 64.63 feet; thence continuing in a southeasterly direction, 172.16 feet, thence south, $60^{\circ} 04' 34''$ east, 303.88 feet; thence south, $60^{\circ} 04' 34''$ east, 122.64 feet to a point on the southerly right of way line of US Highway 26; thence southerly, 173.10 feet; thence westerly, 28.0 feet; thence southerly, 186.25 feet; thence southwesterly, 7.55 feet; thence southwesterly, 48.96 feet; thence southerly, to a point on the south line of that parcel of land dedicated as right of way in document 88-51382; thence westerly, along said south line to the point of intersection with the northerly right of way line of NW Cornell Road; thence westerly, along the northerly right of way of NW Cornell Road, 390.11 feet thence north, $28^{\circ} 34' 28''$ west, 115.97 feet to a point on the westerly right of way line of NW Bethany Boulevard; thence northerly, along said westerly right of way line of NW Bethany Boulevard to the point of beginning.

ANX2004-0017
Tract 8

That certain parcel of land located in the Southeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point on the southerly right of way line of US Highway 26 (Sunset Highway), said point being northwesterly 99.69 feet and northwesterly 124.25 feet from the southeast corner of Lewis P. Day D.L.C. Number 43; thence running south, $1^{\circ} 22' 14''$ west, 107.26 feet to the south line of the Lewis P. Day D.L.C. 43, thence west, along the south line of said D.L.C. 43 to the west right of way line of NW 158th Avenue; thence north, $5^{\circ} 39' 57''$ west, along the west right of way line of NW 158th Avenue to the point of intersection with the southerly right of way line of NW Cornell Road; thence northeasterly, along the southerly right of way line of NW Cornell Road to the point of intersection with the southerly right of way of US Highway 26; thence easterly, along said southerly right of way of US Highway 26 to the point of beginning.

ANX2004-0017
Tract 9

That certain tract of land located in the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$, Section 32, Township 1 North, Range 1 West, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Beginning at the initial point of Waterhouse Number 2, a plat of record; thence south, $88^{\circ} 43' 46''$ east, to the westerly right of way of NW 158th Avenue; thence southerly, along the westerly right of way of NW 158th Avenue, 124.88 feet; thence westerly, 225.15 feet to the east line of Lot 94, Waterhouse Number 2; thence north, $4^{\circ} 42'$ west, along said east line of Lot 94 to the point of beginning.

ANX2004-0017
Tract 10

That certain parcel of land located in the Southwest ¼, Northwest ¼, Section 32, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the southeast corner of Lot 90, Waterhouse Number 2, a plat of record; thence easterly, to the northeast corner of Lot 89 of Waterhouse Number 2; thence south, along the east line of said Lot 89, 75.02 feet, thence south, 88° 28' 20" east to the west right of way line of NW 158th Avenue; thence northerly, along the west right of way line of NW 158th Avenue to a point which is south, 125 feet from the easterly projection of the south line of Lot 93, Waterhouse Number 2; thence westerly, to the east line of Lot 91, Waterhouse Number 2; thence south, 4° 42' east, to the place of beginning.

ANX2004-0017
Tract 11

That certain parcel of land located in the Northeast ¼, Southwest ¼, Section 33, Township 1 North, Range 1 North, Willamette Meridian; Washington County, Oregon, more particularly described as follows:

Beginning at a point on the northerly right of way line of NW Science Park Drive, said point being the southwest corner of Lot 7, Sunset Science Park, a plat of record; thence north, 30° 53' 34" east, along the westerly boundary line of said Lot 7, to the southerly right of way line of NW Cornell Road; thence southeasterly along said southerly right of way line to the point of intersection with the westerly right of way line of NW Murray Boulevard; thence southwesterly, along the westerly right of way of NW Murray Boulevard to the point of intersection with the northerly right of way line of SW Science Park Drive; thence along the northerly right of way of NW Science Park Drive to the point of beginning.

ANX2004-0017
Tract 12

That certain tract of land located in the Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 33, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point where the southerly right of way line of NW Science Park Drive and the westerly right of way line intersect; thence running northwesterly, along the southerly right of way of NW Science Park Drive; thence continuing northwesterly, along said right of way line 133.89 feet; thence southwesterly, 150.66 feet; thence southeasterly 44.02 feet; thence southwesterly, 106.57 feet; thence southeasterly to the westerly right of way line of NW Murray Boulevard; thence northerly, along the westerly right of way of NW Murray Boulevard to the point of beginning.

EXHIBIT C

OWNERS LIST

API/PICHON VIII, LLC	BY DOUG BEAN & ASSOC	101 SW MAIN ST	PORTLAND	OR	97204
BEATTIE BROTHERS, LLC	BY RASH #453-37-19	PO BOX 1600	ROWLETT	TX	75030
BOLD LLC	OPUS NORTHWEST MANAGEMENT LLC	1000 SW BROADWAY STE 1130	PORTLAND	OR	97205
BOLD LLC	10350 BREN RD W		MINNETONKA	MIN	55343
COOPER'S CHASE, LLC	17980 SW KEMMER RD		BEAVERTON	OR	97007
CORNELL ATHLETIC PROJECT LLC	9442 NE BLUE HERON CT		PORTLAND	OR	97211
FIVE OAKS LTD PARTNERSHIP	17980 SW KEMMER RD		BEAVERTON	OR	97007
GROSS FAMILY LLC	17480 HOLY NAMES DR #105		LAKE OSWEGO	OR	97034
MERK FAMILY INVESTMENTS LLC	BY INSPORT INTERNATIONAL INC	1870 NW 173RD AVE	BEAVERTON	OR	97006
MEYER, JAMES A	1331 SW BROADWAY #201		PORTLAND	OR	97201
MEYERS, RICHARD H TRUSTEE	BY TOSCO MARKETING CO	PO BOX 52085	PHOENIX	AZ	85072
MILLER, RICHARD W MARY AN	3700 N HWY 101 #73		DEPOE BAY	OR	97341
MITTLEMAN PROPERTIES	BY LIEN & COOPER PC	6600 SW 92ND AVE #160	PORTLAND	OR	97223
NOFZIGER, ELROY LILLIAN	16290 NW BRONSON RD		BEAVERTON	OR	97006
OPUS NORTHWEST, LLC	ATTN:JEFF FORSETH	10350 BREN RD WEST	MINNETONKA	MN	55343
OUTDOOR MEDIA DIMENSIONS	2626 WYATT DR		MEDFORD	OR	97501
PACIFIC WESTERN BANK	FIRST AMERICAN REAL ESTATE TAX	8435 N STEMMONS FREEWAY	DALLAS	TX	75247
PALAAU CORP	1905 NW 169TH PL STE 211		BEAVERTON	OR	97006
PANKOW, MICHAEL L	1035 NW 158TH		BEAVERTON	OR	97005
PARR FINANCIAL PARTNERS LLC	BY TRICON RESTAURANT SRV CO	PO BOX 35370	LOUISVILLE	KY	40232
PHILLIPS PETROLEUM COMPANY	BY CONOCOPHILLIPS	PO BOX 1539	PASO ROBLES	CA	93447
PORTLAND GENERAL ELEC CO	ATTN: PROPERTY DEPT	121 SW SALMON	PORTLAND	OR	97204
REALTY INCOME CORP	BY CHILDRENS WORLD LEARNING	573 PARK POINT DR	GOLDEN	CO	80401
SCIENCE PARK PROPERTIES L L C	12535 SW IRON MOUNTAIN BLVD		PORTLAND	OR	97219
SHAW, KERMIT R AND	JANET L	1175 NW 158TH	BEAVERTON	OR	97006
SHAW, RICHARD T	PO BOX 2974		CLACKAMAS	OR	97015
SOMERSET CHRISTIAN CHURCH	16260 NW BRONSON RD		BEAVERTON	OR	97006
ST. LAURENT, GEORGES C JR	120 NE 136TH AVE STE 200		VANCOUVER	WA	98684
SUNCOR PLAZA LLC	3380 BARRINGTON DR		WEST LINN	OR	97068
TANDEM PROPERTIES LLC	ATTN: ROBERT SMITH	5311 W BURNSIDE	PORTLAND	OR	97210
TANDEM PROPERTIES LLC	ATTN: ROBERT SMITH	5311 W BURNSIDE	PORTLAND	OR	97210
TORLAND, LEE N & SHARON L TRS	14020 SW 158TH TERRACE		PORTLAND	OR	97224
TWIN OAKS TECHNOLOGY CTR LLC	BY API/PICHON VIII LLC	112 THIRD ST	LAKE OSWEGO	OR	97034
WICHER, DONNA C &	BURTON, BRENT T	525 SW JACKSON ST	PORTLAND	OR	97201

EXHIBIT D



Find Voter

SEARCH BY: SEARCH BY: SEARCH BY:

		PRECINCT	TYPE	NAME							
A	16120	NW	BRONSON	RD		A	BEAVERTON	MCCORD	KELLY		ANNE
A	Y 16120	NW	BRONSON	RD		A	BEAVERTON	RIENSCHKE	KELLY JO		
A	Y 16290	NW	BRONSON	RD			BEAVERTON	NOFZIGER	ELROY		
A	Y 16290	NW	BRONSON	RD			BEAVERTON	NOFZIGER	LILLIAN		F

OK

Cancel

For more information and sales, visit us online at www.diebold.com. Click one of the icons to find a specific feature.



Find Voter



A	1745	NW	173RD	AVE	401	BEAVERTON	CHAVES	GERARDO	PEREZ	
A	1745	NW	173RD	AVE	401	BEAVERTON	CHAVEZ	GERARDO	JESUS	
A	1745	NW	173RD	AVE	402	BEAVERTON	AADLAND	GERRY	JAY	
C	1745	NW	173RD	AVE	403	BEAVERTON	KVAVLE	RUSSELL	L	
C	1745	NW	173RD	AVE	403	BEAVERTON	MOREY	BRIAN	T	
A	1745	NW	173RD	AVE	403	BEAVERTON	PANZER	LEWIS	DOUGLAS	
A	1745	NW	173RD	AVE	404	BEAVERTON	DAHLKE	KAZUKO		
A	1745	NW	173RD	AVE	405	BEAVERTON	HAWTHORNE	LESLEE	A	
C	1745	NW	173RD	AVE	406	BEAVERTON	WOLF	ROBERTA	L	
C	1745	NW	173RD	AVE	408	BEAVERTON	MINAHAN	MICHAEL	R	
A	1745	NW	173RD	AVE	410	BEAVERTON	FURST	BRUCE		
A	1745	NW	173RD	AVE	410	BEAVERTON	FURST	RENEE	E	
A	1745	NW	173RD	AVE	411	BEAVERTON	BIRD	RICHARD	L	
C	1745	NW	173RD	AVE	413	BEAVERTON	HOWELL	JAMES	L	
A	1745	NW	173RD	AVE	414	BEAVERTON	KANDOLA	TEJ	S	
A	1745	NW	173RD	AVE	414	BEAVERTON	KANDOLU	TEJBIR	S	
A	1745	NW	173RD	AVE	414	BEAVERTON	KAUR	SUMANPREET		
A	1745	NW	173RD	AVE	415	BEAVERTON	BENNETT	LISA	M	
C	1745	NW	173RD	AVE	415	BEAVERTON	KOZLOSKI	MORGAN	J	
A	1745	NW	173RD	AVE	416	BEAVERTON	TRATHEN	MARY	ANN	
C	1745	NW	173RD	AVE	501	BEAVERTON	ABBOTT	AMY	M	



Copyright © 2004 Diebold Election Systems



Find Voter

SEARCH BY: ZIP CODE, ADDRESS, CITY, NAME

ZIP CODE: 1035 ADDRESS: 158TH CITY: BEAVERTON

NAME: PANKOW, MICHAEL L

Y	1035	NW	158TH	AVE	BEAVERTON	PANKOW	MICHAEL	L
---	------	----	-------	-----	-----------	--------	---------	---

Buttons: Search, Cancel

Full-time simulation and voting system available for use at the polls. Call 1-800-451-1111 for more information.

EXHIBIT E

**BASED ON INFORMATION FROM THE WASHINGTON COUNTY
DEPARTMENT OF ASSESSMENT AND TAXATION
SUNSET HWY/CORNELL RD. AREA ISLAND ANNEXATION
ANX 2004-0017**

	TAX LOT NUMBER	SITE ADDRESS	LAND VALUE	BUILDING VALUE	TOTAL VALUE	ACREAGE	ASSESSED VALUE
1	1N130DC01001	17225 NW CORRIDOR CT	\$495,500	\$685,140	\$1,180,640	0.77	\$852,340
2	1N130DC01100	17200 NW CORRIDOR CT	\$567,150	\$370,470	\$937,620	0.84	\$638,850
3	1N130DC00100	17005 NW CORNELL RD	\$1,305,100	\$494,710	\$1,799,810	1.93	\$919,240
4	1N131AB01100	1865 NW 169TH PL	\$407,380	\$1,613,600	\$2,020,980	1.09	\$1,096,090
5	1N131AB00900	1885 NW 169TH PL	\$683,950	\$746,840	\$1,430,790	1.83	\$269,410
6	1N131AB00700	1905 NW 169TH PL	\$399,830	\$1,610,230	\$2,010,060	1.07	\$1,298,490
7	1N131AB01200	1870 N 173RD AVE	\$635,030	\$1,826,820	\$2,461,850	2.04	\$1,415,160
8	1N131AB00100	1800 NW 169TH PL	\$579,320	\$690,960	\$1,270,280	1.55	\$705,100
9	1N131AB00600	1815 NW 169TH PL	\$611,600	\$729,690	\$1,341,290	1.80	\$1,341,290
10	1N131AA01400	1725 NW 167TH PL	\$1,504,320	\$3,649,740	\$5,154,060	4.83	\$4,349,060
11	1N131AA00400	1600 NW 167TH PL	\$2,052,480	\$4,235,020	\$6,287,500	6.59	\$5,792,330
12	1N131AB01300	1745 NW 173RD AVE	\$629,130	\$1,088,660	\$1,717,790	2.02	\$1,416,480
13	1N131AB00200	1800 NW 169TH PL	\$614,950	\$1,218,010	\$1,832,960	1.81	\$1,243,590
14	1N131AB00500	1785 NW 169TH PL	\$567,410	\$400,620	\$968,030	1.67	\$948,410
15	1N131AA00200	16500 NW CORNELL RD	\$0	\$0	\$0	1.97	\$0
16	1N131AA00201	16501 NW TWIN OAKS	\$1,288,290	\$2,563,800	\$3,852,090	5.32	\$2,205,850
17	1N131AB00400	1705 NW 169TH PL	\$800,440	\$1,457,510	\$2,257,950	2.57	\$2,014,090
18	1N131AB00300	1800 NW 169TH PL	\$663,370	\$1,311,570	\$1,974,940	2.13	\$1,488,260
19	1N132BB01400	1520 NW BETHANY BLVD	\$958,070	\$479,050	\$1,437,120	1.29	\$890,110
20	1N132BB01500	1500 NW BETHANY BLVD	\$3,691,550	\$11,091,565	\$14,783,115	5.52	\$10,100,300
21	1N132BB01600	NONE ASSIGNED	\$74,400	\$0	\$74,400	0.93	\$51,770
22	1N132BD00200	NONE ASSIGNED	\$13,740	\$0	\$13,740	4.58	\$13,740
23	1N132BC00100	1175 NW 158TH AVE	\$132,720	\$103,250	\$235,970	0.58	\$150,200
24	1N132BC00400	1035 NW 158TH AVE	\$182,000	\$43,790	\$225,790	0.90	\$112,100
25	1N132CB00100	985 NW 158TH AVE	\$99,000	\$38,310	\$137,310	0.49	\$73,750
TOTALS			\$18,956,730	\$36,449,355	\$55,406,085	56.12	\$39,386,010

EXHIBIT F

RESOLUTION NO. 3785

A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER 2004.

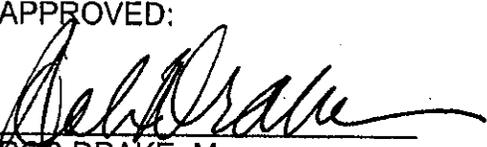
Ayes: 4

Nays: 0

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

CITY OF BEAVERTON SUPPLEMENTAL STAFF REPORT

TO: City Council

AGENDA DATE: February 28, 2005

STAFF REPORT DATE: Wednesday, February 23, 2005

STAFF: Hal Bergsma, Planning Services Manager *HB*
Alan Whitworth, AICP, Senior Planner *Alan*

SUBJECT: Elmonica & Merlo Light Rail Stations Areas Island Annexation (ANX 2004-0016), Sunset Hwy/Cornell Road Area Island Annexation (ANX 2004-0017), Millikan Way Station Area Island Annexation (ANX 2004-0018) and West Slope Area Island Annexation (ANX 2004-0019)

REQUEST: Annex 377 parcels containing approximately 257 acres in four separate areas to the City of Beaverton and add parcels to appropriate Neighborhood Association Committee (NAC) boundaries.

APPLICANT: City of Beaverton, Planning Services Division, 4755 SW Griffith Drive, Beaverton Oregon 97006

AUTHORIZATION: ORS 222.750 and Metro Code 3.09.050

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4332, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING HELD: February 7, 2005

RECOMMENDATION: Staff recommends the City Council Approve Elmonica & Merlo Light Rail Stations Areas Island Annexation (ANX 2004-0016), Sunset Hwy/Cornell Road Area Island Annexation (ANX 2004-0017), Millikan Way Station Area Island Annexation (ANX 2004-0018) and West Slope Area Island Annexation ANX 2004-0019.

I. LIST OF WRITTEN TESTIMONY RECEIVED PRIOR TO THE RECORD BEING CLOSED AT 5:00 PM ON FEBRUARY 14, 2005

1. Henry Kane – Letter dated February 3, 2005 (23 pages)
2. Henry Kane – Letter dated February 6, 2005 (121 pages)
3. Vicki Phillips, Superintendent Portland Public Schools, Letter dated February 7, 2005 (1 page)

Letter not objecting to the annexation of the Portland School property in the West Slope neighborhood.

4. Peter A. Stiven, CPM Portfolio Manager, OPUS, Letter dated February 4, 2005 (2 pages)

Letter objecting to the annexation of their property located in the area of the Sunset Hwy/Cornell Road Area Island Annexation (ANX 2004-0017)

5. Henry Kane - Letter dated and received Feb. 10, 2005. Re. Objections to Record on Appeal, Kane v. City of Beaverton, LUBA No. 2005-0018 (8 pages)

This letter is regarding two previous annexations that are currently under appeal to the Land Use Board of Appeals. Barnes Road/Cedar Hill Annexation (ANX 2004-0013) and the Mobile Home Corral Annexation (ANX 2004-0014)

6. Robert B. Aylwin, Osborn V. Blanchard, Bill Tracy - Testimony Opposing Beaverton's "Forced Annexation" dated Feb. 7, 2005. Received 2/10/05. (35 pages)

These documents primarily relate to the South Beaverton Islands Annexation (ANX 2005-0001). A public hearing is scheduled for that annexation on March 7, 2005 in Council Chambers at 6:30 PM.

7. Mike Myles & Bryan Cluff, American Homes, Inc. - Letter dated and received Feb. 11, 2005 (1 page)

A letter in opposition to the annexation of the Merlo Station Townhomes, which are partially constructed and partly under construction. This is part of the Elmonica & Merlo Light Rail Stations Annexation (ANX 2004-0016)

8. Westside Economic Alliance Board - Letter dated Feb. 10, 2005. Received Feb. 11, 2005. (4 pages)

The Westside Economic Alliance is recommending a deferral of these annexations to allow for more study and coordination with various service providers.

9. NIKE - Julia Brim-Edwards - Written testimony from Feb. 7, 2005 hearing. Received Feb. 14, 2005. (4 pages)

A letter in opposition to annexation without the consent of the property owners.

10. NIKE - Julia Brim-Edwards - Supplemental Information Letter dated and received Feb. 14, 2005 (3 pages)

A letter objecting to the annexation of a portion of Jay Street as part of the Elmonica & Merlo Light Rail Stations Annexation (ANX 2004-0016)

11. James E. Lyons - Testimony Opposing Beaverton's "Forced Annexation" dated Feb. 7, 2005. Received Feb. 14, 2005. (1 page)

A letter opposed to "Island Annexations".

12. Henry Kane - Letter dated and received Feb. 14, 2005. Re. Henry Kane Motion and Exhibits in Support of Written Testimony. (1 page)

13. Henry Kane - Letter and attachments dated Feb. 13, 2005. Received Feb. 14, 2005. Re. Feb. 13, 2005 Written Testimony of Opponent Henry Kane (97 pages; note page 51 was missing from this packet)

14. Diana Daggett - Westside Alliance

15. Scott P. Brown - Wells Real Estate Funds- Letter and attachment dated February 4, 2005. (9 pages)

Letter in opposition to annexing their property.

16. Joseph S. Voboril, TonkonTorp, Letter dated February 7, 2005 (5 pages)

Letter in opposition to annexing Costco property.

17. Barbara Block, VP Tektronix, Letter dated February 3, 2005 (1 page)

Letter stating concern about the annexations in their area.

II. SUMMARY OF ORAL TESTIMONY RECEIVED

During the public testimony portion of the February 7, 2005 Planning Commission Hearing, many issues were raised. The following is a paraphrased summary of those issues:

Dominic Biggi

Spoke regarding his property on the corner of Millikan and Shannon. He was opposed to this property being annexed at this time because the property taxes would increase by \$ 7,000 annually causing him to raise rents during a bad rental market. He would consider voluntarily annexing at a later time but did not want to be annexed now.

Mark Perniconi

Stated he represented the CE John Company. They were opposed to their property at Hocken and Millikan being annexed at this time because it would place them at an unfair competitive disadvantage compared to properties not being annexed in the Tektronix Business Park.

Barbara Block

Spoke for herself and John Kaye both of whom were representing Tektronix regarding ANX 2004-0018 (Millikan Way Station Area). Tektronix was opposed to annexation without the owners consent. They were happy with the services and the costs of those services provided by Washington County. They were opposed to increased taxes that would come from annexation to Beaverton.

Bob Frisbie

Speaking for Maxim Integrated Products stated they did not want to be annexed because their taxes would go up by \$237,000 and they are happy with their working relationship with Washington County. He asked that the City work with property owners. He stated that he was aware that Maxim was not part of the proposed annexation in response to a question from Mayor Drake.

George Kringelhede

He stated he owned property on Baseline and wanted to know how annexation would improve his services. He was opposed to his property being annexed.

Henry Kane

Read from his letter dated January 10, 2005 stating a belief that island annexations have not been upheld and do violate Constitutional rights. He referenced another letter he filed with the City on February 3, 2005. He requested that the record be kept open for seven days.

Joe Voboril

Represented Costco regarding ANX 2004-0016 (Elmonica & Merlo Light Rail Stations). He stated opposition to the City cherry picking high value properties to annex. He believed this process was legally flawed and bad public policy. He recommended that the City work with property owners.

John N. Neilsen

Stated he was speaking for his father Kaare M. Nielson who owned property at 640 SW 173rd Avenue that is part of ANX 2994-0016 (Elmonica & Merlo Light Rail Stations). His father has owned this property for over thirty years and operates a business there. He is opposed to having his property annexed at this time.

Bill Bugbee

He stated that he was a resident of Cooper Mountain and not affected by the proposed annexations. He expressed opposition to being annexed in the future because it would increase their taxes and might require them to connect to sanitary sewers. He recommended that people contact their legislators to amend ORS 195.

Janiece Staton

She stated that since nobody being proposed for annexation was allowed vote for City Council these annexations would be taxation without representation. Councilor Stanton pointed out that after annexation the residents would be able to vote for City Councilor's.

Julia Brim-Edwards

Represented NIKE. NIKE's property was not included in tonight's round of annexations. She stated the view that property owners should have the right to consent to being annexed. She stated that the City of Beaverton's change in policy toward annexation affected trust and the long term business climate of the area.

Robert Aylwin

Stated that he was from Tigard but would be subject to annexation next month. He stated a view that ORS 195 required the City and county to contact the Citizen Participation Organization (CPO) prior to initiating the interim services agreement.

Sheriff Rob Gordon

Expressed that both the Washington County Sheriff's Office and the Beaverton Police Department are fine organizations and any neighborhood would be well served by either of them.

Peter Stiven

Representing the owners of the Cornell West Office Building on NW Bethany, which is included in the Sunset Hwy/Cornell Road Annexation (ANX 2004-0017). He questioned whether the City had the authority, under ORS 222.750, to use non-City maintained streets to annex islands. ORS 222.750 does not seem to address who maintains property but whether it is within the City's boundaries. He expressed the view that there were no service deficiencies and annexation did not seem to offer any improvements. The higher tax rates created a problem for the property owners and tenants given the current high vacancy rates.

Scott Brown

Representing the Wells Real Estate Funds. He had submitted a letter that is in the record. He did not feel it was fair to annex a few commercial properties and this time and leave other areas for future study. He expressed opposition to his firm's property being annexed at this time.

III. DISCUSSION OF ISSUES

LEGALITY OF ANNEXATION METHOD

Issues have been raised about the legality of the annexation method. The City of Beaverton is processing these annexations as what are commonly referred to as "Island Annexation". The Oregon Revised Statute section is as follows:

ORS 222.750 Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

The City Attorney has opined that this annexation method is valid. City staff is unaware of any previous court decisions that conflict with these proposed annexations. A general standard for annexations is that they have to be reasonable. It is very likely that as the legislature has seen fit to determine that island annexations can be completed without consent, that a reviewing court would find these types of annexations per se reasonable. If a reviewing court does not find these types of annexations per se reasonable, it will examine several factors, all of which are met here. The first factor is whether the contiguous territory represents the actual growth of the city beyond its city limits. As all of these properties are currently surrounded by the City, this factor is clearly met. The second factor is whether the property is valuable by reason of its adaptability for prospective town uses. All of these properties have zoning designations that will be matched with similar City zoning designations. The current and future uses will be adaptable to the City's approved comprehensive plan and zoning maps. The third factor is whether the land is needed for extension of streets or to supply utilities. As these properties are already surrounded, this factor is not relevant. The fourth factor is whether the property and City will mutually benefit from the annexation. The property will receive additional public services and the City will make its boundaries more conforming and receive additional tax revenue. The Court of

Appeals has found a "cherry stem" annexation of more than 1,500 feet of road way to reach a parcel of land was reasonable. Clearly, the proposed island annexations meet this standard.

Statements of intent to appeal two recent island annexations by the City have been filed, and until those appeals are resolved it will not be known with certainty whether those annexations will be upheld. The courts, however, have not stayed those annexations so they have been completed.

On a related issue, in his testimony, Peter Stiven questioned whether the City had the authority, under ORS 222.750, to use non-City maintained streets to annex islands. It should be noted that although the roadways referenced by Mr. Stiven, NW Cornell Road and NW Bethany Boulevard, are not maintained by the City, any sanitary or storm sewer lines less than 24" in diameter in the right-of-way are maintained by the City.

SELECTION OF PROPERTIES TO BE ANNEXED

Questions have been raised about why some properties are proposed for annexation at this time while others in the vicinity are not, and whether this is fair to the owners of properties proposed for annexation. The City of Beaverton has attempted to rationally add to the City's boundaries. In setting a policy on island annexation in November, 2004 the Council found that it is necessary to initiate the annexation of unincorporated islands within the City limits to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In interpreting this policy and determining how best to implement it, City staff have not recommended annexing some properties or areas for a variety of reasons, including:

- The need to study the impacts of annexing large, primarily residential, areas such as Cedar Hills before undertaking the large increase in services they will require. The City Council must determine whether assuming the responsibility of providing urban services to these areas is in the best long-term interests of its citizens.
- Some industrial properties, such as the Tektronix campus, cannot be annexed by the City without their approval under existing State law.

- The City has delayed the annexation of other large islanded industrial properties in the hope that an agreement for voluntary annexation can be achieved.

THE IMPACT OF ISLAND ANNEXATIONS ON COMPETITIVENESS

Owners of some of the properties proposed for annexation that are developed with commercial or industrial buildings have argued that annexation will place their properties at a competitive disadvantage because they will need to increase their lease rates to cover the higher costs of property taxes levied by the City, while nearby properties will not be required to do so. Although it is true that the overall property tax rates in the City are higher than those in the unincorporated area, whether this will significantly affect the ability of those properties proposed for annexation to compete in the market is questionable. Many commercial and industrial properties now in the City have operated successfully without requesting a reduction in their taxes because nearby unincorporated properties, some of which are now proposed for annexation, could offer slightly lower lease rates. No clear evidence has been provided by those commercial and office property owners opposing this annexation that the higher property tax rates they would pay after annexation would significantly affect their ability to lease their properties or retain tenants.

THE QUALITY CITY VERSUS URBAN UNINCORPORATED AREA POLICE PROTECTION

Sheriff Gordon indicated concern in his oral testimony that staff was implying in its communications to the Council that his department offered a lower quality of service than the Beaverton Police Department. He believed both departments offer a high quality of police protection. Staff agrees. Both operations are highly rated by their peers and provide a level of police protection that is deemed adequate by those being served. However, there is no dispute that the City has approximately 1.5 patrol officers per thousand population, versus a ratio of approximately 1.0 officers per thousand in the urban unincorporated area provided by the County Sheriff and the Enhanced Sheriff's Patrol District (ESPD). Lacking other agreed-upon indicators of quality of service, this difference in staffing ratios indicates that the City is capable of offering a higher level of police services than can be provided in the unincorporated area. Creating more contiguous boundaries and fewer isolated islands should allow more efficient service to be provided by both the Beaverton Police and the Washington County Sheriff's Office.

THE EFFECT OF ANNEXATION ON DEVELOPMENTS IN PROGRESS

The developers of the Merlo Station Townhomes subdivision raised concerns about how annexation would affect their project, which is in progress with 99 of 128

planned townhomes under construction. They request that the remaining construction process be completed under Washington County's jurisdiction.

The City of Beaverton is open to allowing the County to complete its oversight of this project. This would require approval of an intergovernmental agreement between the City and the County. If the County is unwilling to enter into such an agreement, however, the City will do its best to ease and expedite the transition from County to City project oversight. Consistent with its Development Code and Urban Planning Area Agreement with Washington County, the City will honor all previous County development approvals and building permits.